

**EXHIBITS TO DECLARATION IN SUPPORT OF
RESPONDENT'S MOTION TO DISMISS THE PETITION**

EXHIBITS
TABLE OF CONTENTS

2006 Judgment in New York County, New York: Assault in the First Degree, 3 to 9 Years' Imprisonment (Supreme Court of the State of New York, Apr. 20, 2006)

Sentencing Transcript (Apr. 20, 2006)	1
Sentence & Commitment Form (dated Apr. 20, 2006)	8
Amended Sentence & Commitment Form (dated Sept. 20, 2013)	9
New York State Office of Children and Family Services (OCFS) Juvenile Offender Informational Forms (dated May 3, 2006, through Jan. 5, 2010)	10
New York State Department of Corrections and Community Supervision (DOCCS) Legal Date Computations (printed Sept. 23, 2021)	21
DOCCS Inmate Locator System Chronological History Display (printed Sept. 23, 2021)	28
DOCCS Inmate Lookup (<i>nysdoccslookup.doccs.ny.gov</i> , accessed Sept. 17, 2021)	30

2015 Judgment in Monroe County, New York: Criminal Obstruction of Breathing or Blood Circulation, 1 Year's Imprisonment (County Court of the State of New York, June 3, 2015)

Indictment (returned May 21, 2014)	32
Arraignment Transcript (June 18, 2014)	35
Securing Order (June 18, 2014)	40
Appearance Transcript (July 16, 2014)	41

Order Setting Bail (July 16, 2014)	54
Appearance Transcript (Sept. 17, 2014).....	55
Appearance Transcript (Nov. 5, 2014)	64
Appearance Transcript (Dec. 10, 2014).....	69
Trial and Sentencing Transcript Excerpts (June 2 and 3, 2015).....	74
Securing Order (June 3, 2015).....	90
Sentence & Commitment Form (dated June 8, 2015)	91
Monroe County Sheriff's Records of Sentence Execution (dated June 6, 11 and 12, 2015).....	92
Cover of Brief for Defendant-Appellant on Direct Appeal to the Appellate Division of the Supreme Court, Fourth Department (dated July 19, 2019).....	95
Memorandum and Order of the Appellate Division of the Supreme Court, Fourth Department, Affirming Judgment (March 13, 2020)	96
Order Denying Leave to Appeal to New York Court of Appeals (July 14, 2020).....	98

**2015 Judgment in Seneca County, New York: Attempted Aggravated
Harassment of an Employee by an Inmate, 6 Months' Imprisonment**
(County Court of the State of New York, Sept. 29, 2015)

Seneca County Clerk's Docket Report.....	99
Indictment (filed June 10, 2014)	100
Amended Securing Order (July 28, 2014).....	101
Sentence & Commitment Form (dated Sept. 29, 2015).....	102

Certificate of Conviction (filed Oct. 19, 2015) 103

Seneca County Sheriff's Sentence Calculation
(printed Sept. 1, 2021) 104

**2016 Judgment in Sacramento County, California: Felony Animal
Cruelty, Probation with 364 Days' Imprisonment** (Superior Court of
California, July 1, 2016)

Minutes of Judgment (dated July 1, 2016) 105

**2017 Judgment in Sacramento County, California: Murder in the
First Degree, Life Imprisonment Without the Possibility of Parole**
(Superior Court of California, Sept. 1, 2017)

Abstract of Judgment (dated Sept. 1, 2017)..... 112

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK: CRIMINAL TERM: PART: 73

-----x
THE PEOPLE OF THE STATE OF NEW YORK

Indictment No.:

: 3407/05

- against -

BENJAMIN BROWNLEE,

: Assault 1st Degree

Defendant.

: Calendar Call

-----x
NYSID 111 Centre Street, DIVISION OF PAROLE
New York, New York 10013
28463112 April 20, 2006 RECEIVED

B E F O R E:

APR 28 2008

HONORABLE MICHAEL CORRIEROUDSON CORR. FACILITY

Justice

A P P E A R A N C E S:

FOR THE PEOPLE:

ROBERT M. MORGENTHAU, ESQ.
District Attorney, New York County
One Hogan Place
New York, New York 10013
BY: MAXINE ROSENTHAL, ESQ.
Assistant District Attorney

MAY 05 2008

FOR THE DEFENDANT:

NEIGHBORHOOD DEFENDER SERVICE OF HARLEM
317 Lenox Avenue - 10th Floor
New York, New York 10027
BY: ELSIE CHANDLER, ESQ.

JACQUELINE RODRIGUEZ, CSR, RPR
Senior Court Reporter

Jacqueline Rodriguez, CSR, RPR
Senior Court Reporter

1 COURT CLERK: Calendar number 10, Benjamin
2 Brownlee, Indictment 3407 of 2005.

3 MS. ROSENTHAL: Maxine Rosenthal, for the
4 People.

5 MS. CHANDLER: Elsie Chandler, Neighborhood
6 Defender Service of Harlem, for Mr. Brownlee.

7 THE COURT: I'm sorry we had to put this
8 back on the calendar.

9 So the record is clear, when the defendant
10 pled guilty, he pled guilty to a non-juvenile offense
11 wherein he admitted sexually touching the victim in
12 this case.

13 Now, the law, as we understand it, and in
14 particular section 310.85 of the Criminal Procedure
15 Law, specifies that with respect to a verdict of
16 guilty, when a verdict of guilty is rendered with
17 respect to a crime for which the defendant is not
18 criminally responsible -- and that is the case with
19 non-JO offenses -- the verdict must be set aside and
20 shall be deemed a nullity.

21 At the time of the plea, the district
22 attorney, as well as the Court, wanted to be assured
23 that the defendant admitted to the sexual aspects of
24 this crime so that if he were subject to the
25 provisions relating to registration, he would be

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Senior Court Reporter

1 required to register.

2 As it turns out, the law doesn't account
3 for pleas that involve non-JO offenses; offenses
4 which, in effect, were and would be subject to the
5 jurisdiction only of the juvenile or family court.

6 And do you wish to make a statement with
7 respect to that?

8 MS. ROSENTHAL: Judge, it is true. I was
9 not aware or hadn't carefully looked into the CPL
10 provision that nullified that part of the statute. I
11 did go forward on this plea with the expectation that
12 the defendant would be a registered sex offender.

13 It does appear that neither of the offenses
14 that are in the indictment are, in fact, includable
15 or designated offenses. So, therefore, there's
16 nothing for the People to do in terms of asking that
17 the plea be vacated or anything like that.

18 I want to say that I did put in a call to
19 the Division of Criminal Justice Services to speak
20 with the attorneys who work for the New York State
21 sex offender registry whose job it is at DCJS to
22 oversee that area of the law.

23 Unfortunately, I was out of the office the
24 last few days. I've just spoken with the attorney
25 there. She tells me that she believes, as I do, that

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Senior Court Reporter

1 if, in fact, the plea is a nullity, that there's no
2 way for him to be registered on a non-conviction.

3 She is looking into it and has my cell
4 phone number and is going to give me a call back.

5 I cannot ask the Court to proceed at this
6 point because I understand that is the situation. If
7 I hear differently, I'll let the Court know.

8 THE COURT: Anything from Ms. Chandler
9 opposing any such registration given the age of the
10 defendant?

11 And also what was of major concern to the
12 Court is that this young man was given the
13 opportunity to receive the kind of counseling that
14 would help him not to be engaged in this kind of
15 behavior again.

16 MS. ROSENTHAL: Judge, because he pled to
17 assault in the first degree, that is still a charge
18 for which a DNA sample will be taken, and his DNA
19 will be put into the official DNA bank.

20 THE COURT: Yes.

21 Execute the sentence on the count to which
22 he pled guilty, which is Count 7.

23 Count 7 is declared a nullity and,
24 therefore, dismissed pursuant to Section 310.85 of
25 the Criminal Procedure Law, and should be so marked.

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Senior Court Reporter

1 COURT CLERK: So count 7 is going to be
2 dismissed?

3 THE COURT: Yes, but as a nullity. We have
4 to use those words, "as a nullity."

5 MS. CHANDLER: Judge, Benjamin wants me to
6 ask the Court if the Court could transfer him to
7 Horizon.

8 THE COURT: He's at Crossroads?

9 MS. CHANDLER: Yes. He's at Crossroads
10 now, and he wants to go to Horizon so that it's
11 easier and more convenient for his mother to visit
12 him.

13 THE COURT: I will call the Department of
14 Juvenile Justice today, and I will make that request.
15 Unless they feel for some specific security reason
16 that they can't do it, then I'll advise Ms. Chandler
17 of that.

18 MS. CHANDLER: Judge, I'd also like the
19 record to be clear that I've visited Benjamin several
20 times at Crossroads. I personally am very impressed
21 with the professionalism of the staff at Crossroads
22 and how they've handled him. And in particular an
23 officer named Morales.

24 I have to say that in my experience it is
25 rare to meet people who are as intelligent and

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Senior Court Reporter

1 empathetic.

2 THE COURT: Maybe he should stay there even
3 though it's difficult for his mother.

4 MS. CHANDLER: Benjamin is asking you for
5 his own reasons and I represent Benjamin.

6 I just would like the Court to be very
7 clear and to communicate to Crossroads that I, as a
8 professional, very much appreciate all the efforts
9 that they've made.

10 THE COURT: Yes, ma'am?

11 DEFENDANT'S MOTHER: I'm sorry.

12 It's an inconvenience, but they are nice to
13 him over there, and they're very understanding.

14 THE COURT: Okay.

15 DEFENDANT'S MOTHER: He's concerned about
16 me because I don't have a job right now, and I can
17 understand that. But it's okay because I go once a
18 week over there to see him.

19 MS. CHANDLER: Is that okay, Benjamin,
20 because your mom is saying that she will come visit
21 you at Crossroads for the time that you're there?

22 THE DEFENDANT: But I be having too much
23 problems.

24 THE COURT: All right. There are other
25 problems that affect him.

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Senior Court Reporter

1 All right. I will speak to the Department
2 of Juvenile Justice.

3 MS. CHANDLER: Okay.

4 THE COURT: And if I feel that they can do
5 it, I don't believe he will be there much longer.

6 Yes?

7 DEFENDANT'S MOTHER: I'm just concerned
8 about his medications. There's times when he's not
9 getting his medication. When he does not get his
10 medications, he tends to react. It needs to be
11 flowing through his system. And that's one of my
12 concerns.

13 THE COURT: I'll speak to the Department of
14 Juvenile Justice .

15 DEFT'S MOTHER: Thank you.

16 MS. CHANDLER: Thank you.

17 THE COURT: He's still sentenced to 3 to 9.

18 COURT CLERK: As a JO?

19 THE COURT: Yes.

20 oOo

21 I, Jacqueline Rodriguez, a Certified
22 Shorthand Reporter, in and for the State of New York,
23 do hereby certify that the foregoing transcript is
true and accurate to the best of my knowledge, skill,
and ability.

24 
25 Jacqueline Rodriguez, CSR, RPR
Senior Court Reporter

Jacqueline Rodriguez, CSR, RPR
Senior Court Reporter

STATE OF NEW YORK
SUPREME COURT: COUNTY OF NEW YORK

HON:

Michael Corneio

PART

13

J. Rodriguez
COURT REPORTER

THE PEOPLE OF THE STATE OF NEW YORK

VS.

Benjamin Brownlee

10A1145

Indictment/SCI No:

3407-2005

Indictment/SCI Charge(s):

see attached

Date of offense:

6-27-05

M

SEX

DOB

NYSID

Criminal
Justice
Tracking #90592945
2846312

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED OF AND SENTENCED FOR A (FELONY) (MISD) BY (PLEA) (VERDICT) FOR THE CRIME(S) OF:

Crime	Count	Law/Section & Subdivision	Hate/Terrorism	Min. Period	Max. Term	Definite/Determinate	Post Rel. Superv.
1. Assault 1°	3	120.10(1) PL		3 (Three)	9 (Nine)		
2.							
3.							
4.							
5.							

✓ Convicted as a Juvenile Offender Age at time crime committed 15

CONVICTION INCLUDES:

Convicted as an armed felon

Weapon Type: dangerous instrument

The sentence(s) imposed herein shall run:

Drug Type:

Concurrently with:

Consecutively to:

Covers:

Adjudicated a YOUTHFUL OFFENDER

EXECUTE AS A SENTENCE OF PAROLE SUPERVISION (CPL 410.91)

Court certified the Defendant a Sex Offender (Cor. L 168-d)

As a (second) (second drug) (second drug/prior vfo) (persistent) (violent) (second child sexual assault) felony offender

Mandatory Surcharge (paid) (not paid) waived

Crime Victim Assistance Fee (paid) (not paid) waived

Fine (paid) (not paid)

Restitution (paid) (not paid)

DNA Fee (paid) (not paid) waived

Sex Offender Registration Fee (paid) (not paid)

DWI/Other (paid) (not paid)

Supplement Sex Off. Victim Fee (paid) (not paid)

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Department of Correction) is directed to deliver (him) (her) to the custody of NYSDOCS as provided in 7 NYCRR part 103.

NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of the NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.

NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

The Department of Corrections of the City of New York

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS:

Amended Commitment Original Sentence Date

4-20-06

Date

Norman Hoffman
Clerk of the Court

by:

Order of Protection Attached YES NO

Signature

Title

CORRECTION COPY

ICS 854 (7/05)

STATE OF NEW YORK

SUPREME COURT, COUNTY OF NEW YORK

PRESENT: HON. M. KAHN

Court Part: 44

Court Reporter: L. EISENBERG

Superior Ct. Case #: 3407-2005

The People of the State of New York										
-vs-										
BENJAMIN BROWNLEE 10A1145										
Defendant										
Male		0	2	8	4	6	3	1	1	Z
SEX	D.O.B.	NYSID NUMBER				CRIMINAL JUSTICE TRACKING NUMBER				

Accusatory Instrument Charge(s): Law/Section & Subdivision:

1 _____
 2 _____
 3 _____
 4 _____

Date(s) of Offense: 06 / 27 / 05
 To _____

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY ☒ PLEA OR ☐ VERDICT, THE MOST SERIOUS OFFENSE BEING A
☒ FELONY OR ☐ MISDEMEANOR OR ☐ VIOLATION, IS HEREBY SENTENCED TO:

Crime	Count No.	Law § and Subdivision	SMF, Hate or Terror	Minimum Term	Maximum Term	<input type="checkbox"/> Definite (select: D, M or Y) <input type="checkbox"/> Indeterminate (in years)**	Post-Release Supervision
1 ASSAULT 1	3	120.10 (1)		3 years	9 years		_____ years
2				_____ years	_____ years		_____ years
3				_____ years	_____ years		_____ years
4				_____ years	_____ years		_____ years
5				_____ years	_____ years		_____ years

**NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].

☐ Counts _____ shall run CONCURRENTLY with each other ☐ Count(s) _____ shall run CONSECUTIVELY to count(s) _____

☐ Sentence imposed herein shall run CONCURRENTLY with _____, and/or CONSECUTIVELY to _____

☐ A _____ period of ☐ PROBATION OR ☐ CONDITIONAL DISCHARGE with an Ignition Interlock Device condition to run CONSECUTIVELY to any term of imprisonment imposed herein and to commence upon the defendant's release from imprisonment [PL § 60.21]

☒ Conviction includes: WEAPON TYPE: DANGEROUS INSTRUMENT and/or DRUG TYPE: _____

☒ Charged as a JUVENILE OFFENDER - age at time crime committed: 15 years

☐ Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20]

☐ Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91]

☐ Re-sentence as a PROBATION VIOLATOR [CPL § 410.70]

☐ Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]

☐ CASAT ordered [PL § 60.04(6)]

☐ SHOCK INCARCERATION ordered [PL § 60.04(7)]

As. a: ☐ Second ☐ Second Violent ☐ Second Drug ☐ Second Drug w/prior VFO ☐ Predicate Sex Offender ☐ Predicate Sex Offender w/prior VFO ☐ Second Child Sexual Assault ☐ Persistent ☐ Persistent FELONY Violent OFFENDER

Paid	Not Paid	Deferred - court must file written order [CPL § 420.40(5)]		Paid	Not Paid	Deferred - court must file written order [CPL § 420.40(5)]	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Mandatory Surcharge	\$ 250	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Crime Victim Assistance Fee	\$ 20
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Fine	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Restitution	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> DNA Fee	\$ 50	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Sex Offender Registration Fee	\$ _____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> DWI/Other: _____	\$ _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Supplemental Sex Off. Victim Fee	\$ _____

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

☒ NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.

☐ NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.

☐ NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

☐ NYC Department of Corrections, County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS _____

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated:

Official Name _____

Shield No _____

Pre-Sentence Investigation Report Attached: ☐ YES ☐ NO

Order of Protection Issued: ☐ YES ☐ NO

Order of Protection Attached: ☐ YES ☐ NO

09 / 20 / 13

Date

Norman Goodman

Clerk of the Court

☒ Amended Commitment:

Original Sentence Date 04 / 20 / 06

by

Signature

Senior Court Clerk

Title





JUVENILE OFFENDER INFORMATIONAL FORM

New York State
Office of
Children & Family
Services

TO:

E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM:

Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

10A1145

George E. Pataki
Governor

RE:

Benjamin Brownlee

NYSID#: 2846311-Z

DATE:

May 3, 2006

~~902990592945~~

John A. Johnson
Commissioner

1. OCFS Case Number:

178064

2. Date of Birth:

[REDACTED]

3. Date sentenced:

4/20/06

4. County of Sentencing:

New York

Capital View Office Park

5. Offense:

Assault 1

52 Washington Street
Rensselaer, NY 12144-2796

6. Minimum/Maximum:

3 - 9 years

7. Jail Time:

254 days

8. Date of Admission:

4/24/06

9. Parole Eligibility Date:

8/9/08

10. Conditional Release Date:

8/9/11

11. Maximum Expiration Date:

8/9/14

12. Initial Board Appearance:

6/08

VLV

cc: D. Teeling - Division of Parole



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**JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED**

**New York State
Office of
Children & Family
Services**

TO: F. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

16/1145

George E. Pataki
Governor

RE: Benjamin Brownlee

NYSID#: ~~2846311-Z~~

John A. Johnson
Commissioner

DATE: October 11, 2006

90290945
90592945

1. OCFS Case Number: 178064

2. Date of Birth: [REDACTED]

3. Date sentenced: 4/20/06

Capital View Office Park

4. County of Sentencing: New York

52 Washington Street
Rensselaer, NY 12144-2796

5. Offense: Assault 1

6. Minimum/Maximum: 3 - 9 years

7. Jail Time: 254 days

8. Date of Admission: 4/24/06

9. Parole Eligibility Date: 8/9/08

10. Conditional Release Date: 8/9/11; 11/7/11*

11. Maximum Expiration Date: 8/9/14

12. Initial Board Appearance: 6/08

* 90 days Loss of Good Time per Facility Director's Proceeding held at Brookwood Secure Center on 9/5/06.

Affirmed by OCFS Associate Commissioner on 10/6/06.

VLV

cc: D. Teeling - Division of Parole



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New York State
Office of
Children & Family
Services

www.ocfs.state.ny.us

Eliot Spitzer
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
52 Washington Street
Isselaer, NY 12144

JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED

TO: E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vienna, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

NYSID#: ~~28463112~~

90592945

DATE: January 29, 2008

1. OCFS Case Number: 105557 (178064)

2. Date of Birth: [REDACTED]

3. Date sentenced: 4/20/06

4. County of Sentencing: New York

5. Offense: Assault 1

6. Minimum/Maximum: 3 - 9 years

7. Jail Time: 254 days

8. Date of Admission: 4/24/06

9. Parole Eligibility Date: 8/9/08

10. Conditional Release Date: 8/9/11; 11/7/11; 12/7/11*

11. Maximum Expiration Date: 8/9/14

12. Initial Board Appearance: 6/08

* 30 days Loss of Good Time per Facility Director's Proceeding held at Brookwood Secure Center on 12/6/07.

Affirmed by OCFS Associate Commissioner on 1/22/08.

V.L.V

cc: D. Teeling - Division of Parole



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Office of
Children & Family
Services

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David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED

TO: E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

NYSID#: ~~2846311-Z~~

905928415

DATE: April 21, 2008

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 - 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08

* 60 days Loss of Good Time per Facility Director's Proceeding held at Brookwood Secure Center on 3/14/08.

Affirmed by OCFS Associate Commissioner on 4/14/08.

V.I.V

cc: A. Martinez - Division of Parole



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Services**

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David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
57 Washington Street
sselaer, NY 12144

**JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED**

TO: Bobby Smith, Facility Director
Goshen Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

10A1145

RE: Benjamin Brownlee **NYSID#:** ~~2846311-Z~~
90592945

DATE: October 23, 2008

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 - 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 150 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 8/21/08.

Affirmed by OCFS Associate Commissioner on 10/3/08.

VLV

cc: A. Martinez - Division of Parole



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JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED

**New York State
Office of
Children & Family
Services**

www.ocfs.state.ny.us

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
Washington Street
Roseton, NY 12144

TO: Bobby Smith, Facility Director
Goshen Secure Center

FROM: Vera F. Vicino, Classification Analyst
Bureau of Classification and Movement

10A1145

RE: Benjamin Brownlee **NYSID#:** 2846311-Z
90592945

DATE: October 23, 2008

1. OCFS Case Number:	178064
2. Date of Birth:	
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 – 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12; 9/2/12*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 60 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 9/11/08.

Affirmed by OCFS Associate Commissioner on 10/17/08.

VLV

cc: A. Martinez – Division of Parole



An Equal Opportunity Employer



**New York State
Office of
Children & Family
Services**

www.ocfs.state.ny.us

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
Washington Street
Hessselaer, NY 12144

**JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED**

TO: Bobby Smith, Facility Director
Goshen Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

NYSID#: 2846311-Z

90592945

DATE: October 31, 2008

1. OCFS Case Number: 178064

2. Date of Birth: [REDACTED]

3. Date sentenced: 4/20/06

4. County of Sentencing: New York

5. Offense: Assault 1

6. Minimum/Maximum: 3 - 9 years

7. Jail Time: 254 days

8. Date of Admission: 4/24/06

9. Parole Eligibility Date: 8/9/08

10. Conditional Release Date: 8/9/11; 11/7/11; 12/7/11;
2/5/12; 7/4/12; 9/2/12;
11/1/12*

11. Maximum Expiration Date: 8/9/14

12. Initial Board Appearance: 6/08; 5/10

* 60 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 8/21/08.

Affirmed by OCFS Associate Commissioner on 10/27/08.

VLV

cc: A. Martinez - Division of Parole



An Equal Opportunity Employer



**JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED**

**New York State
Office of
Children & Family
Services**

www.ocfs.state.ny.us

**David A. Paterson
Governor**

**Gladys Carrión, Esq.
Commissioner**

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

TO: Bobby Smith, Facility Director
Goshen Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

DATE: December 5, 2008

NYSID#: 2846311 Z—

90592945

16A145

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 – 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12; 9/2/12; 11/1/12; 11/11/12*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 10 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 10/22/08.
Affirmed by OCFS Associate Commissioner on 12/2/08.

VLV

cc: A. Martinez – Division of Parole



Equal Opportunity Employer



**New York State
Office of
Children & Family
Services**

www.ocfs.state.ny.us

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
72 Washington Street
Rensselaer, NY 12144

**JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED**

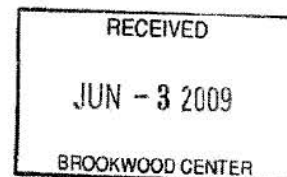
TO: E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vicina, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

NYSID#: ~~2846311-Z~~
90592945

DATE: May 29, 2009



10A1145

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 - 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12; 9/2/12; 11/1/12; 11/11/12; 1/10/13*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 60 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 5/5/09.

Affirmed by OCFS Associate Commissioner on 5/26/09.

VLV

cc: A. Martinez -- Division of Parole



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New York State
Office of
Children & Family
Services

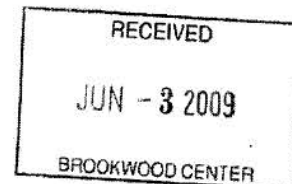
www.ocfs.state.ny.us

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
72 Washington Street
Rensselaer, NY 12144

JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED



TO: E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vieira, Classification Analyst
Bureau of Classification and Movement

10A1145

RE: Benjamin Brownlee NYSID#: ~~2846311-Z~~
90592945

DATE: May 29, 2009

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 - 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12; 9/2/12; 11/1/12; 11/11/12; 1/10/13; 3/11/13*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 60 days Loss of Good Time per Facility Director's Proceeding held at Goshen Secure Center on 4/29/09.

Affirmed by OCFS Associate Commissioner on 5/26/09.

VLV

cc: A. Martinez -- Division of Parole



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New York State
Office of
Children & Family
Services

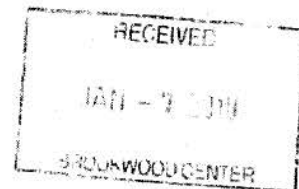
www.ocfs.state.ny.us

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
12 Washington Street
Rensselaer, NY 12144

JUVENILE OFFENDER INFORMATIONAL FORM
ADJUSTED



10A1145

TO: E. Patrick Sullivan, Facility Director
Brookwood Secure Center

FROM: Vera F. Vicira, Classification Analyst
Bureau of Classification and Movement

RE: Benjamin Brownlee

NYSID#: ~~2846311-Z~~

905 92945

DATE: January 5, 2010

1. OCFS Case Number:	178064
2. Date of Birth:	[REDACTED]
3. Date sentenced:	4/20/06
4. County of Sentencing:	New York
5. Offense:	Assault 1
6. Minimum/Maximum:	3 - 9 years
7. Jail Time:	254 days
8. Date of Admission:	4/24/06
9. Parole Eligibility Date:	8/9/08
10. Conditional Release Date:	8/9/11; 11/7/11; 12/7/11; 2/5/12; 7/4/12; 9/2/12; 11/1/12; 11/11/12; 1/10/13; 3/11/13; 4/10/13*
11. Maximum Expiration Date:	8/9/14
12. Initial Board Appearance:	6/08; 5/10

* 30 days Loss of Good Time per Facility Director's Proceeding held at Brookwood Secure Center on 11/12/09.
Affirmed by OCFS Associate Commissioner on 12/30/09.

VLV

cc: A. Martinez - Division of Parole



An Equal Opportunity Employer

09/23/21 CCNSMXS RECEPTION/CLASSIFICATION SYSTEM KRCLMHI
 16:04:09 C999W410 INQUIRY INDEX
 DIN: 10A1145 NAME: BROWNLEE, BENJAMIN NYSID: 09059294J
 DATE COMP RECORDS: 1 - 11 of 11 DATE RECEIVED: 03/12/2010
 A COMPUTATION TYPE DATE TIME USER
 - U01 UPDATE PE, TRD, GRAD DATES AND PH DATE/TYPE 05/22/2014 09:00A C370NSC
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 05/25/2012 01:33P C000KLL
 - 91 LOST GOOD TIME ADJUSTMENT 05/09/2011 C010SLQ
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 02/14/2011 C010SLQ
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 02/14/2011 C010SLQ
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 05/17/2010 C240EMD
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 03/15/2010 C240KDH
 - 92 UPDATE OF P.E., P.H. AND/OR T.A.C. INFO 03/15/2010 C240KDH
 - 01 BASIC INDETERMINATE 03/12/2010 C240KDH
 - 01 BASIC INDETERMINATE 03/12/2010 C240KDH
 - 01 BASIC INDETERMINATE 03/12/2010 C240KDH

ACTION: X SELECT P PRINT

*** END OF HISTORY DATA FOR THIS DIN ***

<ENTER> (CONTINUE) <PF3> EXIT <PF6> COMMENTS <PF7> BKWD <PF8> FWD
 <CLEAR> EXIT(SYSTEM) <PF9> PRINT ALL

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 01BASIC INDETERMINATE DONE 03/12/2010 BY C240KDH
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2010 04 PIE
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 04 INIT
 REMARKS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN	DATE COMPUTATION/ENTRY	KRCLM40
LAST COMP. 01BASIC INDETERMINATE	DONE 03/12/2010 BY C240KDH	
DATE RECEIVED 2006 04 24	TIME TO SERVE (MINIMUM)	002 03 16
MINIMUM TERM 003 00 00	TIME TO SERVE (MAXIMUM)	008 03 16
MAXIMUM TERM 009 00 00	TIME OWED (MINIMUM)	
JAIL TIME (DAYS) 0254	TIME OWED (MAXIMUM)	
DATE SENTENCED	PAROLE JAIL TIME (DAYS)	
ORIG. MAX. EXP. DATE	NET TIME OWED	
DATE DECLARED DELINQUENT	LIMITED CREDIT TIME POSSIBLE	00 06 00
DATE RETURNED	SUPPLEMENTAL MERIT TIME POSS.	
ORIG. DATE RECEIVED	MERIT TIME POSSIBLE	
DATE RELEASED	GOOD TIME ADJUSTMENT	
DATE FAILED TO RETURN	GOOD TIME POSSIBLE	003 00 00
DATE ESCAPED	LIMITED CREDIT TIME DATE	2011 02 09
ORIG. PAR. ELIG. DATE	SUPPLEMENTAL MERIT ELIG DT	
OTHER STATE SENT. DATE	MERIT ELIGIBILITY DATE	
DATE DISCHARGED	PAROLE ELIGIBILITY DATE	2008 08 09
DATE REAFFIRMED	PAROLE HEARING DATE/TYPE	2010 04 PIE
PRIOR TIME CREDIT	TENTATIVE RELEASE DATE	
MEPS	MAXIMUM EXPIRATION DATE	2014 08 09
PAROLE BOARD DISCHARGE	CONDITIONAL RELEASE DATE	2011 08 09
PRS PRS ME	T.A.C. DATE/TYPE	2011 04 INIT
REMARKS 550 DAYS LGT @OCFS		
<PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT		

DIN 10A1145 BROWNLEE, BENJAMIN	DATE COMPUTATION/ENTRY	KRCLM40
LAST COMP. 01BASIC INDETERMINATE	DONE 03/12/2010 BY C240KDH	
DATE RECEIVED 2006 04 24	TIME TO SERVE (MINIMUM)	002 03 16
MINIMUM TERM 003 00 00	TIME TO SERVE (MAXIMUM)	008 03 16
MAXIMUM TERM 009 00 00	TIME OWED (MINIMUM)	
JAIL TIME (DAYS) 0254	TIME OWED (MAXIMUM)	
DATE SENTENCED	PAROLE JAIL TIME (DAYS)	
ORIG. MAX. EXP. DATE	NET TIME OWED	
DATE DECLARED DELINQUENT	LIMITED CREDIT TIME POSSIBLE	00 06 00
DATE RETURNED	SUPPLEMENTAL MERIT TIME POSS.	
ORIG. DATE RECEIVED	MERIT TIME POSSIBLE	
DATE RELEASED	GOOD TIME ADJUSTMENT	
DATE FAILED TO RETURN	GOOD TIME POSSIBLE	003 00 00
DATE ESCAPED	LIMITED CREDIT TIME DATE	2011 02 09
ORIG. PAR. ELIG. DATE	SUPPLEMENTAL MERIT ELIG DT	
OTHER STATE SENT. DATE	MERIT ELIGIBILITY DATE	
DATE DISCHARGED	PAROLE ELIGIBILITY DATE	2008 08 09
DATE REAFFIRMED	PAROLE HEARING DATE/TYPE	2010 04 PIE
PRIOR TIME CREDIT	TENTATIVE RELEASE DATE	
MEPS	MAXIMUM EXPIRATION DATE	2014 08 09
PAROLE BOARD DISCHARGE	CONDITIONAL RELEASE DATE	2011 08 09
PRS PRS ME	T.A.C. DATE/TYPE	2011 04 INIT
REMARKS 550 DAYS LGT @OCFS		
<PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT		

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 03/15/2010 BY C240KDH
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2010 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 04 INIT
 REMARKS 550 DAYS LGT @OCFS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 03/15/2010 BY C240KDH
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2010 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 04 INIT
 REMARKS 550 DAYS LGT @OCFS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 05/17/2010 BY C240EMD
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2012 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 04 INIT
 REMARKS 550 DAYS LGT @OCFS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 02/14/2011 BY C010SLQ
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2012 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 03 INIT
 REMARKS 550 DAYS LGT @OCFS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 02/14/2011 BY C010SLQ
 DATE RECEIVED 2006 04 24 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE 00 06 00
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 003 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE 2011 02 09
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2012 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2011 08 09
 PRS PRS ME T.A.C. DATE/TYPE 2011 03 INIT
 REMARKS 550 DAYS LGT @OCFS
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 91LOST GOOD TIME ADJUSTMENT DONE 05/09/2011 BY C010SLQ
 DATE RECEIVED 2010 03 12 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT 03 00 00
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 000 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2012 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2014 08 09
 PRS PRS ME T.A.C. DATE/TYPE FMAX
 REMARKS 550 DAYS LGT @OCFS, 3/11 TAC
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

DIN 10A1145 BROWNLEE, BENJAMIN DATE COMPUTATION/ENTRY KRCLM40
 LAST COMP. 92UPDATE OF PE, PH, TAC INFO DONE 05/25/2012 BY C000KLL
 DATE RECEIVED 2010 03 12 TIME TO SERVE (MINIMUM) 002 03 16
 MINIMUM TERM 003 00 00 TIME TO SERVE (MAXIMUM) 008 03 16
 MAXIMUM TERM 009 00 00 TIME OWED (MINIMUM)
 JAIL TIME (DAYS) 0254 TIME OWED (MAXIMUM)
 DATE SENTENCED PAROLE JAIL TIME (DAYS)
 ORIG. MAX. EXP. DATE NET TIME OWED
 DATE DECLARED DELINQUENT LIMITED CREDIT TIME POSSIBLE
 DATE RETURNED SUPPLEMENTAL MERIT TIME POSS.
 ORIG. DATE RECEIVED MERIT TIME POSSIBLE
 DATE RELEASED GOOD TIME ADJUSTMENT 03 00 00
 DATE FAILED TO RETURN GOOD TIME POSSIBLE 000 00 00
 DATE ESCAPED LIMITED CREDIT TIME DATE
 ORIG. PAR. ELIG. DATE SUPPLEMENTAL MERIT ELIG DT
 OTHER STATE SENT. DATE MERIT ELIGIBILITY DATE
 DATE DISCHARGED PAROLE ELIGIBILITY DATE 2008 08 09
 DATE REAFFIRMED PAROLE HEARING DATE/TYPE 2014 05 REAP
 PRIOR TIME CREDIT TENTATIVE RELEASE DATE
 MEPS MAXIMUM EXPIRATION DATE 2014 08 09
 PAROLE BOARD DISCHARGE CONDITIONAL RELEASE DATE 2014 08 09
 PRS PRS ME T.A.C. DATE/TYPE FMAX
 REMARKS 550 DAYS LGT @OCFS, 3/11 TAC
 <PF3>EXIT <PF4>RETURN <PF6>COMMENTS <PF10>PRINT <CLEAR>EXIT

09/23/21 CCNSMXS RECEPTION/CLASSIFICATION SYSTEM KRCLM00
 16:05:52 C999W410 U01 UPDATE PE, TRD, GRAD DATES AND PH DATE/TYPE
 DIN: 10A1145 NAME: BROWNLEE, BENJAMIN NYSID: 09059294J
 DATE RECEIVED: 03/12/2010 BY: 05/22/2014 C370NSC

HEARING DATE TIME ALLOWANCE COMM DATE
 HEARING TYPE FMAX TIME ALLOWANCE COMM TYPE FMAX
 TENTATIVE RELEASE DATE POST-RELEASE SUPERVISION
 GRADUATION DATE PRS MAXIMUM EXPIRATION DT
 PAROLE ELIGIBILITY DATE 2008 08 09 MAXIMUM EXPIRATION DATE 2014 08 09
 MERIT ELIGIBILITY DATE ORIGINAL GOOD TIME
 SUPP MERIT ELIG DATE GOOD TIME RESTORED +
 PAROLE DISCHARGE DATE GOOD TIME LOST -
 MAX EXP PAR SUPER (MEPS) GOOD TIME POSSIBLE = 0000 00 00
 LIMITED CREDIT TIME POSS
 LIMITED CREDIT TIME DATE CONDITIONAL RELEASE DATE 2014 08 09
 <ENTER> (CONTINUE) <PF3> EXIT <PF4> RETURN <CLEAR> EXIT(SYS)
 <PF6> COMMENT <PF10> PRINT

```
09/23/21 CCNSMXS      RECEPTION/CLASSIFICATION SYSTEM      KRCLMCM
16:05:57 C999W410      DATE COMP COMMENTS
DIN: 10A1145  NAME: BROWNLEE, BENJAMIN      NYSID: 09059294J
DATE RECEIVED: 03/12/2010  LAST COMP:  U01      BY: C370NSC
NUMBER OF COMMENTS:      10
ADDITIONAL COMMENTS:
( _____ )
( _____ )
COMMENT:      10  BY: C000KLL  05/25/12  01:33P      LATEST COMP TYPE: 92
( 550 DAYS LGT @OCFS, 3/11 TAC )
( _____ )
COMMENT:      9  BY: C000KLL  05/25/12  01:33P      LATEST COMP TYPE: 92
( GOOD TIME ADJUSTMENT: 030000 )
( _____ )
COMMENT:      8  BY: RCLCNVH  05/09/11  00:00A      LATEST COMP TYPE: 91
( 550 DAYS LGT @OCFS, 3/11 TAC )
( _____ )
COMMENT:      7  BY: RCLCNVH  02/14/11  00:00A      LATEST COMP TYPE: 92
( 550 DAYS LGT @OCFS )
( _____ )
*** TOP OF COMMENTS DISPLAY ***

<PF3> EXIT      <PF7> BACKWARD      <PF8> FORWARD      <PF9> PRINT ALL      <CLEAR> EXIT
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Department of Corrections and Community Supervision

Visitors

Inmate Lookup

Inmate Lookup

Inmate Information

Inmate Information Data Definitions are provided for most of the elements listed below. When a detailed definition is available for a specific element, you may click on the element's label to view it.

Identifying and Location Information As of 09/17/21	
<u>DIN (Department Identification Number)</u>	10A1145
Inmate Name	BROWNLEE, BENJAMIN
Sex	MALE
Date of Birth	
<u>Race / Ethnicity</u>	BLACK
<u>Custody Status</u>	DISCHARGED
<u>Housing / Releasing Facility</u>	FIVE POINTS
<u>Date Received (Original)</u>	03/12/2010
<u>Date Received (Current)</u>	03/12/2010
<u>Admission Type</u>	
<u>County of Commitment</u>	NEW YORK
<u>Latest Release Date / Type (Released Inmates Only)</u>	08/08/14 DISCH - MAXIMUM EXPIRATION

Crimes of Conviction

If all 4 crime fields contain data, there may be additional crimes not shown here. In this case, the crimes shown here are those with the longest sentences.

As of 09/17/21

Crime	Class
JO - ASSAULT 1ST	B

Sentence Terms and Release Dates

Under certain circumstances, an inmate may be released prior to serving his or her minimum term and before the earliest release date shown for the inmate.

As of 09/17/21

<u>Aggregate Minimum Sentence</u>	0003 Years, 00 Months, 00 Days
<u>Aggregate Maximum Sentence</u>	0009 Years, 00 Months, 00 Days
<u>Earliest Release Date</u>	
<u>Earliest Release Type</u>	
<u>Parole Hearing Date</u>	
<u>Parole Hearing Type</u>	FULL MAXIMUM
<u>Parole Eligibility Date</u>	08/09/2008
<u>Conditional Release Date</u>	08/09/2014
<u>Maximum Expiration Date</u>	08/09/2014
<u>Maximum Expiration Date for Parole Supervision</u>	
<u>Post Release Supervision Maximum Expiration Date</u>	
<u>Parole Board Discharge Date</u>	

STATE OF NEW YORK
COUNTY COURT

COUNTY OF MONROE

THE PEOPLE OF THE STATE OF NEW YORK

-vs-

BENJAMIN BROWNLEE

14/5827

FIRST COUNT:

THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, accuses the defendant, BENJAMIN BROWNLEE, of the crime of Assault in the Second Degree, in violation of Section 120.05, Subdivision 3 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about November 12, 2013, in the County of Monroe, State of New York, with intent to prevent a police officer from performing a lawful duty, caused physical injury to New York State Corrections Officer John Buczek.

SECOND COUNT:

AND THE GRAND JURY OF THE COUNTY OF MONROE, by this indictment, further accuses the defendant, BENJAMIN BROWNLEE, of the crime of Strangulation in the Second Degree, in violation of Section 121.12 of the Penal Law of the State of New York, committed as follows:

The defendant, on or about November 12, 2013, in the County of Monroe, State of New York, with intent to impede the normal breathing or circulation of the blood of another person, applied pressure on the throat or neck of Brandon Short causing stupor, loss of consciousness for any period of time, or any other physical injury or impairment.

Sandra Doorley
SANDRA DOORLEY
DISTRICT ATTORNEY OF MONROE COUNTY

2014 MAY 28 PM 10:55
MONROE COUNTY CLERK
FILED

STATE OF NEW YORK COUNTY OF MONROE
COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK

-against-

BENJAMIN BROWNLEE

Sealed Indictment #

CR# 13-380033-NYS

CPL § 710.30 Notice

CPL § 250.20 Demand

PLEASE TAKE NOTICE that the People intend to offer at the trial of the above case:

— Evidence of oral statement(s) made by the defendant, to a public servant, _____, at
_____ on _____ (at or about _____ a.m./p.m.), the sum and substance of which is:

— Evidence of a written statement made by the defendant to public servant(s) _____ at
_____ on _____ (at or about _____ a.m./p.m.), a copy of which is attached to this notice.

Testimony regarding an observation of the defendant at the time or place of commission of the offense and/or upon some other occasion relevant to the case, such testimony to be given by a witness who has previously identified the defendant at the following identification procedure(s) [The "Name of Witness" refers to name of witness making a positive identification]:

Date:	Type:	Place:	Approx. Time:	Name of Witness:
-------	-------	--------	---------------	------------------

PLEASE TAKE FURTHER NOTICE that if the defendant intends to offer for any purpose whatever testimony that at the time of the commission of the crime charged the defendant was at some place or places other than the scene of the crime and intends to call witnesses in support of such defense, the People request that within eight days of the service of this demand the defendant serve upon the People and file a copy thereof with the court, a "NOTICE OF ALIBI" in accordance with Criminal Procedure Law Section 250.20(1).

X THE PEOPLE ARE READY FOR TRIAL. People v. Kendzia, 64 NY2d 331 (1985).

Dated: Rochester, New York
May 21, 2014

Respectfully submitted,
SANDRA DOORLEY
Monroe County District Attorney
832 Ebenezer Watts Building
Rochester, New York 14614

SEALED

No. 0476

Monroe County Court

New York

RECEIVED

2014 MAY 21 PM 2:49

MONROE SUPREME/COUNTY CT
STATE OF NEW YORK

THE PEOPLE

of the
State of New York
vs.


BENJAMIN BROWNLEE

INDICTMENT

Assault in the Second Degree and Strangulation in the Second Degree

SANDRA DOORLEY
District Attorney

A TRUE BILL


Foreman

May 21, 2014

Filed
Date

STATE OF NEW YORK : COUNTY COURT
COUNTY OF MONROE : CRIMINAL TERM

-----X
THE PEOPLE OF THE STATE OF NEW YORK : Indictment No.
: 2014-0476
:
-VS- :
:
:
BENJAMIN BROWNLEE, :
Defendant. :
: **Arraignment**
-----X

Hall of Justice
99 Exchange Boulevard
Rochester, New York 14614
June 18, 2014

FILED
2017 AUG -3 PM 1:16
MONROE COUNTY CLERK

P r e s i d i n g :

HONORABLE CHRISTOPHER S. CIACCIO

County Court Judge

A p p e a r a n c e s :

SANDRA DOORLEY, ESQ.
District Attorney, Monroe County
BY: **JENNIFER HYATT, ESQ.**
Assistant District Attorney

TIMOTHY DONAHER, ESQ.
Public Defender, Monroe County
BY: **JOSHUA STUBBE, ESQ.**
Assistant Public Defender

Defendant present

Box 1521

Reported By:
DUPLICATE FILE COPY

REGINA A. ZIELKE, CSR, RPR
Official Court Reporter

PEOPLE v. BROWNLEE

2

1 MS. HYATT: Your Honor, at this time, I make
2 a motion to unseal indictment number 0476 filed May
3 21, 2014.

4 THE COURT: Motion is granted.

5 MS. HYATT: Thank you, Your Honor.

6 Sir, are you Benjamin Brownlee?

7 THE DEFENDANT: Yes.

8 MS. HYATT: Okay. Have you had an
9 opportunity to speak with the attorney that's standing
10 in for you today, Mr. Stubbe?

11 THE DEFENDANT: Yes.

12 MS. HYATT: Jennifer Hyatt for the People,
13 Your Honor. May I proceed with arraignment?

14 THE COURT: You may.

15 Mr. Stubbe, you want to be appointed?

16 MR. STUBBE: I've interviewed Mr. Brownlee.
17 He is an inmate in the State Department of
18 Corrections. He does qualify for our representation.
19 I ask our office be appointed at this time.

20 THE COURT: I'll make that appointment at
21 this time.

22 You may proceed.

23 MS. HYATT: Mr. Brownlee, according to
24 indictment 0476 filed May 21st, 2014, you're charged
25 with one count of assault in the second degree and one

PEOPLE v. BROWNLEE

3

1 count of strangulation in the second degree, both
2 alleged to have occurred November 12th, 2013. Do
3 you waive a further reading and enter a plea at this
4 time?

5 MR. STUBBE: Judge, at this point in time,
6 we would waive a full reading, ask a not guilty plea
7 be entered. I have received a copy of the indictment
8 as well as attached 710.30 notice. The 710.30 notice
9 doesn't indicate People's intention to use either
10 statements or identification procedure, but does ask
11 for alibi and statement of readiness.

12 THE COURT: So noted. The entry of the plea
13 of not guilty is also noted as well. Mr. Brownlee is
14 obviously being held by State corrections.

15 MR. STUBBE: He is, Judge. It is my
16 understanding he's going to be held until
17 approximately August 8th of 2014.

18 THE COURT: I'll continue -- I will hold him
19 with no bail in this court, but I'll reserve your
20 right to make a bail application upon his release from
21 the State correctional facility.

22 MR. STUBBE: Thank you.

23 THE COURT: And I'll adjourn it once for --
24 I'll put it over for status on July 16th at 9:30.
25 You can make a bail application before then in

PEOPLE v. BROWNLEE

4

1 chambers or at that time as well, Mr. Stubbe. Then
2 I'll set a motion argument date on July 16th as
3 well.

4 MS. HYATT: Your Honor, I will prepare a
5 body order for Mr. Brownlee with regard to the
6 July 16th date. And also when I find out who from
7 the Public Defender's Office will be representing him,
8 if we choose to set up a conference with Your Honor,
9 may we just contact chambers?

10 THE COURT: You may.

11 MS. HYATT: Thank you. The People are ready
12 for trial.

13 MR. STUBBE: Thank you, Judge.

14 THE COURT: Mr. Brownlee, you understand
15 what's happening here?

16 MR. STUBBE: He has questions, Judge. This
17 was done as a sealed indictment, and without going
18 further into that, he has questions as to how he
19 simply appeared and how he's indicted without any
20 statements being provided to him. Presumably what
21 he's requesting is felony complaints. I explained to
22 him they simply presented the matter to the grand jury
23 as opposed to filing it in local court. He's
24 questioning that process more than anything. I
25 indicated I or whoever from my office is assigned will

PEOPLE v. BROWNLEE

5

1 fully explain that to him later.

2 THE COURT: It is not unusual, Mr. Brownlee,
3 it happens this way. Obviously stay in touch with
4 your attorney. Your attorney can explain the process.
5 We'll be back on July 16th for further proceedings
6 on this matter.

7 THE DEFENDANT: Your Honor, I don't know how
8 I'm going to stay in contact. I don't have no
9 information.

10 THE COURT: I understand the difficulty,
11 believe me.

12 MR. STUBBE: Your Honor, I've taken his DIN
13 number. We'll be able to be in contact with him
14 through letters and we will figure out a way to make
15 him more accessible to us if necessary. Thank you.

16 (Certified to be a true and accurate transcript.)

17 

18 REGINA A. ZIELKE, CSR, RPR
19 Official Court Reporter
20
21
22
23
24
25

STATE OF NEW YORK - COUNTY OF MONROE

SUPREME / COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK
-VS-

Defendant.

☐ CASH BAIL☒ SECURING ORDER / CUSTODY☐ RELEASE ORDER *DEFENSE ATTORNEY TO COMPLETE IN FULL*Indictment/SCI # 2014-0476 Filed 05-21-2014Pre-Indictment D.O.B. [REDACTED]

Complete this section or attach Disposition Memo

CR #'s	CHARGES
13-380033	1. HOMICIDE 2nd
	2. Strangulation 2nd
	UNSEALED

An (Indictment)(SCI) (Pre-Indictment charges) having been filed with the (Supreme)(County)(City/Town of _____) Court charging the above-named Defendant with the offense(s) of 1. HOMICIDE 2nd

and said Defendant having been arraigned therein, it is hereby
ORDERED that said Defendant be and hereby is held by the Court for further proceedings hereunder and,

☐ That the application for admission to bail is hereby granted and that the amount of said bail is fixed at \$_____ cash, or \$_____ Bond. Now upon posting of such bail and full compliance thereof with the Securing Order, the Defendant is thereupon authorized to be at liberty and the Sheriff of the County of Monroe is thereupon directed to discharge the Defendant from custody.

☒ That said Defendant be and hereby is held by this Court for further proceedings hereunder and that said Defendant is committed to the Sheriff of the County of Monroe, to appear before this Court at such time as may be required unless sooner released on bail, recognizance, or other such Order of this Court. NB/NE

☐ That said Defendant having been released on this date by Hon. _____, and said defendant now being in custody of the Sheriff of Monroe County, it is ordered that the Sheriff release from his custody the said defendant.
☐ ROR ☐ Pre-Trial Release ☐ Acquittal ☐ Dismissal ☐ Time Served ☐ Other _____
☐ Bail in the amount of \$_____, previously posted in the _____ Court is reinstated and continued.
Attorney's Name _____ Phone # _____

Dated at Rochester, NY

6/13/14Hon. C. S. C.Supreme Court Justice / County Court Judge C. ACCIO

☒ Next Court Date 7/16/14 @ 9:30 am / pm. Reason BAIL AP

☐ Sentence (optional) _____☐ Youthful Offender _____

Cash Bail Posted on _____ (date) with the Monroe County Sheriff's Department _____

by: _____ (name) _____ (address)

CPL Sections 210.15(6) & 520.10 (Rev 10/2011)

1 STATE OF NEW YORK

2 COUNTY OF MONROE COUNTY COURT

3 -----X
THE PEOPLE OF THE STATE OF NEW YORK : INDICTMENT NO.
4 : 2014-0476

5 - against -
6

7 BENJAMIN BROWNLEE, : BAIL APP/ADJ
8 Defendant :
9 -----X

Hall of Justice
Rochester, New York
July 16, 2014

11 B E F O R E:

12 HONORABLE CHRISTOPHER S. CIACCIO
13 County Court Judge

14 A P P E A R A N C E S:

15 SANDRA DOORLEY, ESQ.
16 District Attorney, Monroe County
17 BY: JENNIFER HYATT, ESQ.
18 Assistant District Attorney
On behalf of the People of the
State of New York

19 TIMOTHY DONAHER, ESQ.
20 Public Defender, Monroe County
21 BY: MICHAEL DORAN, ESQ.
Assistant Public Defender
On behalf of the Defendant

22 The Defendant Appeared in Person

23 R E P O R T E D B Y:

24 CAROLANN M. SCORZA, CSR
Senior Court Reporter
161 Hall of Justice
25 Rochester, New York 14614
(585) 371-3822

1 THE COURT: Is this Mr. Brownlee?

2 COURT DEPUTY: Yes, this is him.

3 THE COURT: Good morning, Mr. Brownlee.

4 THE DEFT: Good morning.

5 THE COURT: You appear with your attorney,
6 Mr. Doran?

7 THE DEFT: Huh?

8 THE COURT: Do you appear with your attorney,
9 Mr. Doran?

10 MR. DORAN: We have never met.

11 THE DEFT: Never met. That's why I don't
12 know who my attorney is.

13 THE COURT: All right. Who's handling this,
14 Mr. Doran? Is it Mr. Vitale?

15 MR. DORAN: It's actually Andre Vitale from
16 my office, and Mr. Vitale's at trial, currently engaged
17 before Judge Moran. He should be available on any next
18 court date.

19 THE COURT: Mr. Brownlee -- has he met Mr.
20 Vitale?

21 MR. DORAN: No, he has not.

22 THE COURT: So Mr. Doran and Vitale are from
23 the Monroe County Public Defender's Office.

24 THE DEFT: Yes.

25 THE COURT: And I have assigned the Monroe

1 County Public Defender's Office to represent you in
2 this matter; do you understand that?

3 THE DEFT: Yes.

4 THE COURT: What would you like to do this
5 morning since he is here?

6 MR. DORAN: Yes. I can put it off to August
7 6th for status and/or disposition.

8 MS. HYATT: Your Honor, I have provided
9 discovery to Mr. Vitale in this matter. My guess --
10 and while I can not speak for his counsel -- my guess
11 is, that we'll probably be on a motion schedule as
12 opposed to a disposition schedule.

13 THE COURT: I'll do that. I'm going to
14 adjourn this matter to September 17th for motion
15 argument, and ask Mr. Doran to ask Mr. Vitale to submit
16 his motions 2 weeks in advance of that date.

17 So, Mr. Brownlee, what I'm doing is, I'm
18 adjourning this matter to September 17th at 9:30 for
19 what's called motion argument. Your attorney will talk
20 to you about filing motions. We'll have an argument on
21 that date; do you understand?

22 THE DEFT: Yes.

23 MS. HYATT: Your Honor, before we conclude --
24 when Mr. Brownlee was in court with Your Honor for
25 arraignment, we did not address an issue of bail or a

1 detrainer. And it's my understanding that there
2 currently is not a detrainer in place in Monroe County
3 with regard to these charges and I'd like to have an
4 opportunity to be heard on bail.

5 THE COURT: You may proceed.

6 (There was an off-the-record discussion.)

7 MR. DORAN: Your Honor, can I have a few
8 minutes then to talk to Mr. Vitale because that was not
9 what was at all discussed with me in terms of trying to
10 be prepared for today.

11 THE COURT: That's fine. So I'm going to
12 recall it in just a couple minutes.

13 MS. HYATT: And I'll share what information I
14 have with counsel.

15 (Recess in the proceeding.)

16 * * *

17 THE COURT: I note the appearance of Mr.
18 Brownlee with counsel, Mr. Doran, and Miss Hyatt on
19 behalf of the People.

20 We briefly adjourned this matter for a bail
21 application. Mr. Doran, do you want to be heard on the
22 bail application?

23 MR. DORAN: Yes, Judge. He's released as he
24 stands before you so I'm not sure what the reason for
25 any change in bail would be. And I'd ask the Court,

1 first, to leave him ROR on this charge. Upon my
2 information and belief, he's age 24. He has one prior
3 for which he is about to expire. He has served the
4 maximum expiration of that sentence, and he's due out
5 on that charge August 9th, according to the website.
6 It would be my belief they probably will release him on
7 August 8th. According to my conversation with him, he
8 is due to be released to a shelter upon his release.
9 That he'll be connected to services. He's already
10 started the pre-release process. He expects to be
11 connected to housing and human services and benefits in
12 that regard. I believe that's going to be in the
13 Binghamton area. That he has no history of any bench
14 warrants or any failures to appear. He has the one
15 prior, noted just a moment ago. He does have an open
16 case in Oneida County for which he is also, upon my
17 information and belief, being in conversation with him,
18 being released on his own recognizance. It would
19 appear that case is still pending in a local town
20 court. He has counsel on that charge. I will make an
21 effort to try and get ahold of that attorney as well.
22 This is a case where the People chose to employ a
23 sealed indictment and therefore he had no opportunity
24 to appear in local court on the charges -- is my only
25 point in raising that. He was, I believe, arrested at

1 Five Points a couple months ago and he's been, to this
2 time, relying upon DOCCS to transport him from one
3 location to another. So if he missed any prior court
4 dates, that was only because no one brought him on an
5 order to bring him here.

6 My conversation also included with Miss Hyatt, in
7 any event, a belief that perhaps he was being
8 considered for some form of civil commitment. I'm
9 really not aware of any such process. I know the
10 notice provision would require that they commence that
11 process 4 months ago or so, 3 and a half months ago.
12 It's a fairly lengthy process. And the fact that
13 that's not reflected in his rap sheet or any other
14 counsel that might be representing him, I believe
15 means, he's already been declined for that. That he
16 will -- the DOCCS will release him on or about August
17 9th. From my conversation with him, he wishes to
18 return to court. He wishes to contest these charges.
19 He believes that he'll be under the terms and
20 conditions of parole and connected to social services
21 and transportation which will be made available to him
22 to make sure that he is able to travel from Binghamton
23 back to Monroe County, if and when the Court directs.
24 And based upon all that, I'd ask the Court to continue
25 his release ROR on this charge.

1 THE COURT: Miss Hyatt?

2 MS. HYATT: Your Honor, when Mr. Brownlee
3 appeared before the Court approximately a month ago for
4 arraignment, the issue of bail was never addressed.
5 The Court didn't formally determine that he was
6 released on his own recognizance nor did the Court
7 formally set bail, so we had not had a bail hearing as
8 of yet. My understanding is, that in my conversations
9 with the Oneida County Prosecutor, that there had been
10 at least one incident where Mr. Brownlee did refuse
11 transport to go to court when there was a body order in
12 place. That does raise some concerns for me. I don't
13 know if that is true. That is just the information
14 that I have been given. It's my understanding that
15 there are indictments pending, both in Oneida County
16 and Seneca County, for the E felony of aggravated
17 harassment of an employee by an inmate. They both have
18 court dates scheduled for August in Seneca County for
19 motion argument and in Oneida for a Huntley hearing.
20 There was, as Mr. Doran stated, only one prior
21 conviction. That being a juvenile offender where he
22 was sentenced to 3 to 9 years with the Department of
23 Corrections. And those 9 years are expiring on August
24 9th, with an anticipated release date of August 8th.
25 The information regarding that comes to me from the

1 Judge's secretary in Oneida County, along with a brief
2 conversation with a woman from the Department of
3 Corrections. With regard to the civil commitment
4 issue, my understanding is that there had been an
5 evaluation done and they are awaiting a determination
6 as to whether or not that would be appropriate, but
7 that they anticipate any day now, we will know whether
8 that will be put into place or whether he will be
9 released from the Department of Corrections. I have
10 been asked to be notified as soon as the Department of
11 Corrections does know that, and I will, of course, let
12 Counsel know. I did share much of this information in
13 an e-mail I sent to Mr. Vitale yesterday, that I also
14 shared with Mr. Doran. And I shared with Mr. Doran the
15 rest of the information that I had prior to our bail
16 application today.

17 On that basis, Your Honor, regardless of -- I
18 don't know his status in Oneida County with regard to a
19 hold. I do know there is bail and a retainer out of
20 Seneca County such that he may be transferred to their
21 jail after released from Department of Corrections, if
22 he's not continued to be held. The People would ask
23 that in this case, where there is now an indictment for
24 assault in the second degree and strangulation in the
25 second degree, both D violent felonies -- it's alleged

1 that Mr. Brownlee choked another inmate to the point of
2 unconsciousness, and that one of the corrections
3 officers suffered physical injury in trying to break
4 that up, to relieve the pressure on the other inmate's
5 neck. On that basis, Your Honor, the People would ask
6 for bail in the amount of \$10,000 cash, \$20,000 dollars
7 secured bond.

8 THE COURT: I think I did hold him no bail.
9 I don't think he was ROR'd, Lisa?

10 COURT CLERK: He was held no bail on June
11 18th, Your Honor.

12 THE COURT: No bail. So it wasn't an ROR.

13 MR. DORAN: I didn't know.

14 THE COURT: And what's pending in Seneca
15 County?

16 MS. HYATT: It's aggravated harassment of an
17 employee by an inmate. It's an E non-violent felony,
18 Penal Law Section 240.32. It's actually the same
19 charge in both Oneida and Seneca counties. And I
20 apologize, Your Honor. My information from Department
21 of Corrections was, that they were not showing a
22 detainer from Monroe County so I was not aware that you
23 held him no bail. I apologize.

24 THE COURT: Why is this in here?

25 MS. HYATT: Because he was being transported

1 from one facility to another by Department of
2 Corrections, and this incident occurred inside the
3 vehicle on Route 490, while inside Monroe County.

4 MR. DORAN: That's the allegation. They must
5 have been passing through some corner of Monroe County
6 at the time, but it would make an interesting issue.

7 THE COURT: And this conviction he's serving
8 time for now is what?

9 MR. DORAN: An A-1.

10 MS. HYATT: I believe it's an assault 1-A.

11 MR. DORAN: It's a YO, assault 1, attempt.

12 THE COURT: So he's residing in Binghamton in
13 a shelter, right?

14 MR. DORAN: That's the plan, upon his
15 release. I think it's important to distinguish it's a
16 mental health shelter, and that would be the first
17 release because he would need to get out and then take
18 him to social services. Yet, again, if it's activated
19 for him before they can get an actual proper apartment
20 for him. So at first, almost everyone's first stop, if
21 they have family -- he does not appear to have any
22 willing to take him in -- the first stop is a shelter.

23 MS. HYATT: But my understanding, he would
24 likely be transferred to Oneida or Seneca County Jail
25 based on detainers.

1 THE COURT: When?

2 MS. HYATT: When he is released from
3 Department of Corrections custody, the next retainer in
4 line will then come into place, which if there is a
5 detainer from Oneida County, he will go there. I did
6 not speak to that prosecutor yesterday. I did speak to
7 Seneca County yesterday and he informed me that there
8 was a detainer there.

9 MR. DORAN: My client says no. Upon my
10 client's information and belief, there is no detainer
11 for that charge. And I don't have the primary
12 information, and the People seem to be going on at
13 least several levels of hearsay.

14 THE COURT: What I'm going to do -- his
15 release date is August 8th?

16 MS. HYATT: That's correct.

17 THE COURT: All right. I'm going to hold him
18 on \$10,000 cash, \$20,000 bond. I'm going to adjourn
19 this to August 20th for further consideration of his
20 release status, so I'll reserve any rights, Mr. Doran.

21 MR. DORAN: Thank you, Judge.

22 THE COURT: Without regard to change of
23 circumstances, depending on what's happening in Oneida
24 and Seneca Counties with regard to his civil
25 confinement. So August 20th, and that's for release

1 status.

2 MS. HYATT: Just so the Court is aware, I
3 will be on trial at that time but I will make sure
4 whoever is handling calendar is well versed and has all
5 the information, and I'll share whatever I know with
6 Mr. Vitale.

7 THE COURT: And then, Mr. Doran, just to keep
8 the case moving, I'll give you a motion argument date.

9 MR. DORAN: All right.

10 COURT CLERK: You already did that, Judge --
11 September 17th.

12 THE COURT: I did. Oh, that's what we did
13 before, earlier today. On September 17th then for
14 motion argument.

15 MS. HYATT: And I'll delay asking the Court
16 to sign a body order for August 20th, until the week
17 prior, so that hopefully by that time we will know
18 what, if any, detainers have been applied.

19 THE COURT: That would be a good idea. Mr.
20 Doran, anything else?

21 MR. DORAN: I don't think so.

22 COURT CLERK: Did you say he's at Five
23 Points?

24 MR. DORAN: He's at Five Points, and you're
25 due to go back, right?

1 MS. HYATT: The People remain ready for
2 trial.

3 MR. DORAN: Thanks, everyone.

4 (Whereupon the matter was concluded.)

5 * * *

6
7 (Certified to be a true and accurate transcript.)

8 Carolann M. Scorza

9 Carolann M. Scorza

10 Certified Stenograph Reporter
11
12
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STATE OF NEW YORK - COUNTY OF MONROE

*Put in
Five Points
Correctional
Facility*

SUPREME COUNTY COURT

THE PEOPLE OF THE STATE OF NEW YORK
-vs-

BROWNLEE, BENJAMIN

Defendant.

☒ CASH BAIL☒ SECURING ORDER / CUSTODY☐ RELEASE ORDER *DEFENSE ATTORNEY TO COMPLETE IN FULL*

2014-0476 05-21-2014

Indictment/SCI # _____ Filed _____

Pre-Indictment D.O.B. _____

Complete this section or attach Disposition Memo

CR #'s	CHARGES
13-380033	PL-120.05-03 -DF- 2-ASLT- 2:INT CAUS PH - 1 CT(S)
	PL-121.12 -DF- STRANGULATION 2ND - 1 CT(S)

An (Indictment) (SCI) (Pre-Indictment charges) having been filed with the (Supreme) (County) (City/Town of _____) Court charging the above-named Defendant with the offense(s) of *murder*

_____ and said Defendant having been arraigned therein, it is hereby
ORDERED that said Defendant be and hereby is held by the Court for further proceedings hereunder and,

☒ That the application for admission to bail is hereby granted and that the amount of said bail is fixed at \$ 10,000.00 cash, or \$ 20,000.00 Bond. Now upon posting of such bail and full compliance thereof with the Securing Order, the Defendant is thereupon authorized to be at liberty and the Sheriff of the County of Monroe is thereupon directed to discharge the Defendant from custody.

☐ That said Defendant be and hereby is held by this Court for further proceedings hereunder and that said Defendant is committed to the Sheriff of the County of Monroe, to appear before this Court at such time as may be required unless sooner released on bail, recognizance, or other such Order of this Court.

☐ That said Defendant having been released on this date by Hon. _____, and said defendant now being in custody of the Sheriff of Monroe County, it is ordered that the Sheriff release from his custody the said defendant.

☐ ROR ☐ Pre-Trial Release ☐ Acquittal ☐ Dismissal ☐ Time Served ☐ Other _____

☐ Bail in the amount of \$ _____, previously posted in the _____ Court is reinstated and continued.

Attorney's Name _____ Phone # _____

Dated at Rochester, NY

7/16/14

Hon. _____
Supreme Court Justice / County Court Judge *Carrie*

☒ Next Court Date 8/20/14 @ 9:30 am/pm Reason Drop

☐ Sentence (optional) _____

☐ Youthful Offender _____

Cash Bail Posted on _____ (date) with the Monroe County Sheriff's Department _____

by: _____ (name) _____ (address)

CPL Sections 210.15(6) & 520.10 (Rev 10/2011)

1 STATE OF NEW YORK : COUNTY OF MONROE

2 COUNTY COURT : CRIMINAL TERM

-----x

3 THE PEOPLE OF THE STATE OF NEW YORK :

4 -versus-

5 BENJAMIN BROWNLEE

6 Defendant.

:
:
:
: Indictment No.
: 2014-0476
:
: ASSAULT 2ND
: STRANGULATION 2ND

7 -----x ARGUE MOTIONS

8
9 Hall of Justice
10 Rochester, New York 14614
11 September 17, 2014

12 B e f o r e : THE HONORABLE CHRISTOPHER S. CIACCIO
13 County Court Judge

14 A p p e a r a n c e s :

15
16 SANDRA DOORLEY, ESQ.
17 District Attorney, County of Monroe
18 BY: JENNIFER HYATT, ESQ.
Assistant District Attorney

19 TIMOTHY P. DONAHER, ESQ.
20 Public Defender, County of Monroe
21 BY: ANDRE VITALE, ESQ.
Assistant Public Defender
Attorney for Defendant

22
23
24
25 R e p o r t e d B y : Meredith A. Bonn, RPR, CSR, NYRCR
Official Court Reporter

People v. Benjamin Brownlee

2

1 COURT SECURITY DEPUTY: Judge, can we call
2 Benjamin Brownlee?

3 THE COURT: Call the matter of Benjamin
4 Brownlee. I note the presence of Mr. Vitale, his
5 attorney. Ms. Hyatt on behalf of the People.

6 Mr. Vitale, what do you want to do this
7 morning? You had filed motions.

8 MR. VITALE: I have, your Honor. We are
9 ready to be able to have rulings made on those motions
10 and so that's my request at this point in time.

11 THE COURT: For the record, Mr. Brownlee was
12 brought up to the court. He did not enter the
13 courtroom. However, he was in the jury room behind
14 the courtroom. I did hear him becoming loud and
15 uttering obscenities so I directed that he be brought
16 back to the jail and we will proceed to motion
17 argument without him.

18 There is a request for a Huntley Hearing and
19 a Wade Hearing. Is there any opposition?

20 MS. HYATT: Before we continue, your Honor,
21 I just want to make it clear for the record,
22 Mr. Vitale, are you consenting to us doing this
23 without your client present?

24 MR. VITALE: Your Honor --

25 THE COURT: Thank you.

People v. Benjamin Brownlee

3

1 MR. VITALE: -- after having had the
2 opportunity to speak to Mr. Brownlee both in the back
3 as well as back in the holding cell, while normally it
4 would not be a request of mine to have him not be
5 present for his court appearance I -- I believe that
6 it would not be a productive appearance if that were
7 to occur.

8 THE COURT: So you are waiving?

9 MR. VITALE: That's why I am comfortable
10 moving forward without him being physically present in
11 court. I will advise him what the Court decides
12 today.

13 THE COURT: You did ask for a Wade Hearing
14 and Huntley hearing; is that correct?

15 MR. VITALE: No. No, unless I'm missing
16 something that I don't believe I was given 710.30
17 Notice which includes either a statement or an ID.

18 MS. HYATT: That's correct, your Honor.

19 THE COURT: There is a request for it.

20 MR. VITALE: I --

21 THE COURT: I'm sorry. There was a motion
22 to preclude.

23 MR. VITALE: Right.

24 THE COURT: Is there a statement?

25 MS. HYATT: There was no 710.30 Notice

People v. Benjamin Brownlee

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1 issued, your Honor. There was no interview of Mr.
2 Brownlee after this occurred and there was no
3 identification procedure conducted given that he was
4 known to the witnesses.

5 THE COURT: What would you like to do then,
6 Mr. Vitale? Are there any discovery issues you want
7 to bring to the Court's attention?

8 MR. VITALE: Your Honor, I'm going to have
9 to take a look. I'm not actually completely familiar
10 with Department of Corrections folders. I know some
11 documents have been provided by Ms. Hyatt. I know
12 there were some administrative or I believe probably
13 some administrative proceedings that occurred after
14 that so I believe there may be additional documents,
15 but I think, I think we can work with the Department
16 of Corrections in getting all those documents because
17 I know that there were some certain determinations
18 that were made as a result of this alleged incident
19 and I don't have anything from those.

20 So I think there may be some additional
21 documents out there, but I don't think at this point
22 in time there's been any willful failure to produce
23 those. I think it's more of a matter trying to find
24 the right places to find those. I may need a subpoena
25 because DOCCS may not turn over voluntarily.

People v. Benjamin Brownlee

5

1 THE COURT: Do you want a trial date? Do
2 you want to go out 30 days to explore discovery issues
3 and then set a trial date?

4 MR. VITALE: Your Honor, if you would be
5 willing so that I can try one more time to meet with
6 Mr. Brownlee, that is a -- I make that request. It's
7 difficult to go see him because of his location, his
8 physical location, and trying to find basically six
9 hours in the day to make that trip.

10 So if the Court would give me 30 days
11 schedule to set a trial date so we can explore
12 discovery issues as well as additional sit down
13 conference with Mr. Brownlee I would greatly
14 appreciate that period of time.

15 MS. HYATT: In the alternative would the
16 Court prefer that the People issue a Body Order so he
17 be held in Monroe County for 24 hours --

18 THE COURT: I would.

19 MS. HYATT: -- to ease that process?

20 THE COURT: Do you want to do that,
21 Mr. Vitale?

22 MR. VITALE: Given what I learned in the
23 back, your Honor, I think the chances of that leading
24 to any productive conversation probably won't occur.
25 It's best any conversation between Mr. Brownlee and

People v. Benjamin Brownlee

6

1 him is where he appears more comfortable. At this
2 time that's Seneca County. I'm not saying that won't
3 change.

4 THE COURT: He's in Seneca County?

5 MR. VITALE: That's my understanding.

6 MS. HYATT: Mine as well.

7 THE COURT: Five Points.

8 MR. VITALE: That's part of the problem, I
9 was headed to Five Points facility and then I was
10 informed after that that he had been moved to the
11 County holding facility and so I have to go see him
12 there.

13 THE COURT: All right.

14 MS. HYATT: Just for the record and so that
15 all parties are on the same page when we first
16 appeared on this matter for arraignment back in June
17 and July there was some discussion about where he was
18 located and I believe Mr. Vitale may have been engaged
19 in trial at the time which made communication a little
20 more difficult.

21 He was released from the Department of
22 Corrections' custody in the middle of August and he
23 was transferred to Seneca County as he has outstanding
24 charges in Monroe, Seneca and Oneida Counties.

25 So the Seneca County detainer was the first

People v. Benjamin Brownlee

7

1 in time so he's currently being held there. He did
2 not have an opportunity -- I did not speak to the
3 prosecutors in those two counties prior to today's
4 appearance. However, I will in advance of the next
5 appearance so we know what's going on with all three
6 of his sets of charges.

7 MR. VITALE: I'm in no way saying there was
8 any miscommunication or misstatement by Ms. Hyatt. In
9 fact, after she had informed me he was at Five Points
10 I scheduled a visit at Five Points. Unfortunately,
11 they treat attorneys as regular visitors there due to
12 a --

13 THE COURT: Where is Five Points?

14 MR. VITALE: That's very close to Seneca
15 County correctional facility, but as a result of the
16 drive time and the time that I had scheduled a client
17 showed up late for a court appearance which pushed me
18 past that window I would be able to see him. After
19 that date he was then moved to Seneca County. As soon
20 as he was moved to Seneca County Ms. Hyatt informed me
21 that as well. My schedule since then has not allowed
22 me to make that trip.

23 THE COURT: October 15th.

24 MR. VITALE: Your Honor, just to be safe can
25 we do the 22nd?

People v. Benjamin Brownlee

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1 THE COURT: 22nd.

2 MR. VITALE: I know I will be here that
3 day.

4 MS. HYATT: I will prepare a Body Order at
5 the beginning of October for him to be produced on
6 that day.

7 THE COURT: Status and set trial date.

8 MR. VITALE: Thank you, your Honor.

9 THE CLERK: Andre, you said he's in Seneca
10 County?

11 MR. VITALE: Yes.

12 MS. HYATT: There's one more question I
13 have, your Honor, before we conclude for today.
14 Defense also made a motion to dismiss under CPL 30.30
15 based on speedy trial. Is that something the Court is
16 inclined to rule on at this time?

17 THE COURT: Do you want to be heard on that,
18 Mr. Vitale?

19 MR. VITALE: Nothing in addition to the
20 papers I filed, your Honor.

21 THE COURT: I'll reserve on that and issue a
22 decision with regard to that issue.

23 MR. VITALE: Thank you, your Honor.

24 MS. HYATT: People remain ready for trial.

25 Certified to be a true and accurate transcript.

People v. Benjamin Brownlee

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Meredith A. Bonn

Meredith A. Bonn, CSR, RPR, NYRCR

Official Court Reporter

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1 *(The proceedings commenced with The Court and counsel*
2 *present.)*

3 THE COURT: Where do we stand?

4 MS. HYATT: Your Honor, my understanding is that we
5 argued motions at the last court date when Mr. Brownlee was
6 here, but outside of the courtroom during that point in time.
7 We were on today both for a status update and either for
8 disposition or to set a hearing date in this matter.

9 The information I can share with The Court at this point
10 is that I had a conversation with the Corporal from the
11 Monroe County Sheriff's Office this morning. When they went
12 to retrieve Mr. Brownlee late Monday night because of the
13 holiday yesterday, he refused on several occasions to leave
14 his cell and to go with members of the Monroe County
15 Sheriff's Office to be brought to court today.

16 In the conversation I had with him, I need to draft our
17 next body order to include language that he is to be brought
18 by all means necessary in order for them to effectuate what
19 needs to happen in order to get him here, since he no longer
20 wishes to come to court.

21 So, whatever the next court date is that we have, I will
22 include that language in the body order that I present to The
23 Court for signature.

24 Also, I have an update for all parties. His charges
25 that were pending in Cayuga County were dismissed on an issue

1 of -- the statute he was charged under did not allow for a
2 transferred intent and the charges in Seneca County are still
3 pending. He was due to appear in court this past Monday
4 afternoon. I had a conversation with the prosecutor handling
5 that matter Monday morning and he indicated he would keep me
6 up to date, but I haven't heard from him after Monday's court
7 appearance. But it sounded, from my conversations with him,
8 as though this matter was headed for a trial in Seneca
9 County, as well.

10 THE COURT: So, I can set a hearing date and you can get
11 a body order and bring him for a hearing date?

12 MS. HYATT: Yes, Your Honor.

13 MR. VITALE: Your Honor, I think that's probably the
14 best way to proceed. Well, except there are no hearings.

15 THE COURT: Are you sure?

16 MR. VITALE: I'm looking at the 710.30, Your Honor.

17 MS. HYATT: There was no in-custody questioning of Mr.
18 Brownlee and so The People did not file a 710.30 Notice.

19 THE COURT: Oh, there isn't. There's no hearings.

20 MR. VITALE: Correct.

21 THE COURT: We'll set a trial date then.

22 MS. HYATT: Fair enough.

23 THE COURT: April 27th.

24 MS. HYATT: I know I'm wide open.

25 MR. VITALE: I know I am not. I start a trial with

1 Judge Randall that week with him (indicating). My belief is
2 that trial may last two weeks.

3 THE COURT: May 11th.

4 MR. VITALE: I'm scheduled to leave for Montana on the
5 12th, so it would have to be a very short trial.

6 MS. HYATT: I do not anticipate it being a lengthy
7 trial. I think one or two days is probably cutting it close.

8 THE COURT: March 23rd. That is not Easter week, is it?
9 It is Easter week. I have to leave that open. How about May
10 26th?

11 MR. VITALE: May 26th I just scheduled next door. June
12 is open.

13 THE COURT: June 1st.

14 MR. VITALE: June 1st is good.

15 MS. HYATT: I will make sure I am available.

16 THE COURT: We'll handle *Sandoval* and *Frye* matters that
17 morning.

18 MR. VITALE: Thank you, Your Honor.

19 MS. HYATT: If there's any need.

20 THE COURT: I'll set a date to bring him in and give him
21 *Parker* warnings.

22 MS. HYATT: That was -- I wondered if you wanted to set
23 a disposition date between now and then.

24 MR. VITALE: I think that would be a very good plan.

25 THE COURT: How about December 10th for *Parker* warnings?

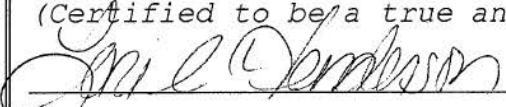
1 MR. VITALE: That works very well.

2 MS. HYATT: I may not be able to be present. I'll have
3 the calendar person stand in. I will draft that body order
4 sooner rather than later so we can have everything in place.

5 *(The proceedings concluded.)*

6 * * *

7 *(Certified to be a true and accurate transcript.)*

8 
9 Lori A. Henderson, CSR, RPR

10 DATED: November 10, 2015

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1 STATE OF NEW YORK COUNTY OF MONROE
2 COUNTY COURT
3 -----X
4 THE PEOPLE OF THE STATE OF NEW YORK : Indictment No.
5 -vs- : 2014-0476
6 BENJAMIN BROWNLEE, :
7 Defendant. : Parker warnings

8 -----X
9 Hall of Justice
10 Rochester, New York 14614
11 December 10, 2014

12 B e f o r e :

13 HON. CHRISTOPHER S. CIACCIO
14 County Court Judge
15

16 A p p e a r a n c e s :

17 SANDRA DOORLEY, ESQ.
District Attorney, Monroe County
18 By: ERIC HURD, ESQ.
Assistant District Attorney

19 TIMOTHY DONAHER, ESQ.
Public Defender, Monroe County
20 By: ANDRE VITALE, ESQ.
21 Attorney for the Defendant

22 Defendant Present
23

24 Reported By:
Marcella M. Schreiber, CSR
25 Official Court Reporter

1 THE DEPUTY: No. 4, Brownlee.

2 THE COURT: Sir, you are Benjamin Brownlee?

3 THE DEFENDANT: Yes.

4 THE COURT: You appear with your attorney,
5 Mr. Vitale?

6 THE DEFENDANT: Yes.

7 THE COURT: Mr. Hurd is here on behalf of the
8 People. This is on for --

9 MR. VITALE: Just Parker warnings.
10 Mr. Brownlee was not brought out on the last court
11 date. And so we discussed a trial date, and the Court
12 wanted to bring him back for the setting of Parker
13 warnings.

14 THE COURT: And what is holding Mr. Brownlee
15 now?

16 MR. VITALE: There's a bail here that's been
17 set at \$10,000 cash, \$20,000 bond. I don't know if
18 that was -- because I was not here that day -- as part
19 of a formal bail application or just a carrying over of
20 the bail set at the time that he was arraigned on the
21 sealed indictment.

22 He is being held in Seneca County, and I do
23 have to do some research on this, because he's
24 indicated to me there is no Seneca County hold. I
25 would have assumed that there was, which is why he

1 would be out there, but I'll need to take a look at
2 that. I know at the time that bail was set in this
3 matter, he was still a state inmate, because he was
4 finishing up a bid on a previous conviction. My
5 understanding is he has been released by Five Points
6 and is no longer a state inmate.

7 THE COURT: Okay.

8 MR. VITALE: Which is obviously why he would be
9 at a county facility, but I would -- before I can make
10 a definitive statement on that, I would obviously have
11 to make some calls on that aspect of it as well.

12 THE COURT: Mr. Brownlee also filed motions on
13 December -- I don't know the filing date.

14 MR. VITALE: I received two separate sets of
15 motions, both of which have been provided to me by the
16 Court. Those are Mr. Brownlee's motions, and I'm going
17 to remain silent on those.

18 THE COURT: Mr. Hurd, have you had a chance to
19 review those motions?

20 MR. HURD: Your Honor, it is Ms. Hyatt's case.
21 I haven't seen anything with respect to the motions. I
22 know that there is a jury trial date set for June 1st.
23 But other than that, I presume we'll go forward with
24 the Parker warnings today.

25 THE COURT: Let me first give the Parker

1 warnings.

2 Mr. Brownlee, you have the right to be present
3 in court at any proceeding, including any hearings and,
4 of course, the trial. You can, however, by your
5 conduct waive, give up, forfeit, or lose the right to
6 be present. If you are in jail and you deliberately
7 refuse to come to court when required, or in any way
8 deliberately obstruct or interfere with the efforts to
9 bring you to Court in any proceeding of your case,
10 including any hearing or trial and the sentence can and
11 will continue in your absence. If you bail out or
12 somehow are at liberty, the same thing applies. Any
13 proceeding in your case can and will continue in your
14 absence. And then a warrant for your arrest will be
15 issued, and you'll be subject to separate prosecution
16 and separate punishment for bail jumping, no matter
17 what happens in your case. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Having received these motions, I'm
20 going to review the motions. If I feel it is necessary
21 to set a date in advance of the trial in order to
22 discuss the motions, I'll do that. As we stand right
23 now, we do have a trial date of June 1st, 2014,
24 correct?

25 MR. VITALE: Yes, Your Honor.

1 THE COURT: So I'll see you at that time.

2 MR. HURD: Thank you, Your Honor. I'd note the
3 People's readiness.

4 (Certified to be a true and accurate transcript.)

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Marcella M. Schreiber, CSR
Official Court Reporter
Dated: 10/17/2016

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1 COUNTY COURT OF THE STATE OF NEW YORK

2 COUNTY OF MONROE

3 -----X

4 THE PEOPLE OF THE STATE OF NEW YORK X ASSAULT-2

5 X STRANGULATION-2

6 -vs- X

7 X INDCT. #2014-0476

8 BENJAMIN BROWNLEE, X NYSID #09059294J

9 Defendant. X

10 -----X

11 Hall of Justice
12 Rochester, New York
13 June 1 - 3, 2015

14 BEFORE: HONORABLE CHRISTOPHER S. CIACCIO

15
16 APPEARANCES: SANDRA DOORLEY, ESQ.
17 District Attorney, Monroe County
18 Appearing on behalf of the People
BY: JENNIFER HYATT, ESQ.
Assistant District Attorney
19
TIMOTHY P. DONAHER, ESQ.
20 Public Defender, Monroe County
Appearing on behalf of the Defendant
21 BY: ANDRE VITALE, ESQ.
Assistant Public Defender

22
23 REPORTED BY: CYNTHIA SCHOTT GERMUGA, C.S.R.
24 Official Court Reporter
25

PEOPLE -VS- BROWNLEE

227

1 ***** JUNE 2, 2015 *****

2 THE COURT: On the record in the matter of
3 the People versus Benjamin Brownlee. Mr. Brownlee
4 is present with counsel, and Ms. Hyatt is here on
5 behalf of the People. Mr. Vitale, do you have
6 matters you wanted to bring to my attention?

7 MR. VITALE: There is several issues,
8 Your Honor. The first issue is I still don't have
9 these photographs. The black and white copies
10 are completely unusable. These were photographs
11 that were taken in the course of this investigation,
12 and they were jpeg photographs, and I've never
13 received a color copy or a jpeg copy. These
14 photographs are important in terms of the
15 defense that we intend to present on behalf of
16 Mr. Brownlee, given that my understanding is that
17 the photographs do not - - that there were no
18 injuries other than a minor scratch to the front
19 of Mr. Short who is allegedly, now looking at the
20 Grand Jury testimony, being strangled with this
21 seatbelt for almost three minutes.

22 THE COURT: So, they depict the injury
23 and your interpretation is they depict lack of
24 injury?

25 MR. VITALE: Correct, and that's

PEOPLE -VS- BROWNLEE

401

1 speaking to one of the witnesses about the
2 case before that witness testified at this trial.
3 Now you should know that the law permits the
4 prosecutor to speak to a witness about the case
5 before the witness testifies and permits the
6 prosecutor to review with the witness the questions
7 that will or may be asked at that trial, including
8 the questions that may be asked on
9 cross-examination. Speaking to a witness about
10 his or her testimony and permitting the witness to
11 review materials pertaining to the case before the
12 witness testifies is a normal part of preparing
13 for trial and is not improper. Of course, in the
14 process of trial preparation the prosecutor may
15 not suggest that the witness depart from the truth.

16 All right. Let me now instruct you on the
17 law applicable to the charged offenses, and we
18 will get into the elements of each charged crime.

19 So, the first count is assault in the second
20 degree. Under our law a person is guilty of
21 assault in the second degree when with the intent
22 to prevent a peace officer from performing a lawful
23 duty he or she causes physical injury to such
24 person.

25 Some of the terms used in this definition

PEOPLE -VS- BROWNLEE

402

1 have their own special meaning in the law. Let me
2 give you the meaning of the following terms; intent
3 and physical injury. Intent means conscious
4 objective or purpose. Thus, a person acts with
5 intent to prevent a peace officer from performing
6 a lawful duty when that person's conscious
7 objective or purpose is to prevent such person
8 from performing that lawful duty. Physical injury
9 is defined as impairment of physical condition or
10 substantial pain.

11 So, again in order for you to find the
12 defendant, Benjamin Brownlee, guilty of assault in
13 the second degree the People are required to prove
14 from all the evidence in the case beyond a
15 reasonable doubt each of the following three
16 elements. Number one, that on or about November
17 12, 2013 in the County of Monroe, the defendant,
18 Benjamin Brownlee, caused physical injury to
19 New York State Corrections Officer John
20 Buczek. Number two, that New York State Corrections
21 Officer John Buczek was a peace officer. And,
22 three, that the defendant caused such physical
23 injury with the intent to prevent New York State
24 Corrections Officer John Buczek from performing a
25 lawful duty.

PEOPLE -VS- BROWNLEE

403

1 Therefore, if you find that the People have
2 proven beyond a reasonable doubt each of those
3 elements, you must find the defendant, Benjamin
4 Brownlee, guilty of the crime of assault in
5 the second degree as charged in the first
6 count.

7 On the other hand, if you find that the People
8 have not proven beyond a reasonable doubt any one
9 or more of those elements, then you must find the
10 defendant not guilty of the crime of assault in
11 the second degree as charged in the first count.

12 All right. The second count of the
13 indictment is strangulation in the second degree.
14 Under our law a person is guilty of strangulation
15 in the second degree when with the intent to
16 impede the normal breathing or circulation of the
17 blood of another person he or she applies pressure
18 on the throat or neck of such person and thereby
19 causes stupor or loss of consciousness for any
20 period of time. Some of the terms used in this
21 definition have their own special meaning, and I
22 will now give you the meaning of the following
23 terms; intent and physical - - I'm sorry - - intent.
24 Intent means conscious objective or purpose. Thus,
25 a person acts with itent to impede the normal

PEOPLE -VS- BROWNLEE

404

1 breathing or circulation of the blood of another
2 person when his or her conscious objective or
3 purpose is to do so.

4 So, in order for you to find the defendant,
5 Benjamin Brownlee, guilty of this crime the People
6 are required to prove from all the evidence in
7 the case beyond a reasonable doubt each and every
8 one of following three elements. Number one,
9 that on or about November 12, 2013 in the County of
10 Monroe the defendant, Benjamin Brownlee, applied
11 pressure on the throat or neck of Brandon Short.
12 Number two, that the defendant, Benjamin Brownlee,
13 did so with the intent to impede the normal
14 breathing or circulation of the blood of such
15 person. And, number three, that the defendant
16 thereby caused stupor or loss of consciousness
17 for any period of time. Therefore, if you find
18 the People have proven beyond a reasonable doubt
19 each of those three elements, you must find the
20 defendant guilty of the crime of strangulation
21 in the second degree as charged in the second
22 count.

23 On the other hand, if you find the People have
24 not proven beyond a reasonable doubt any one or
25 more of those three elements you must find the

PEOPLE -VS- BROWNLEE

405

1 defendant not guilty of the crime of strangulation
2 in the second degree as charged in the second
3 count.

4 Now I'm submitting for your consideration the
5 offense, which I didn't mention earlier, of criminal
6 obstruction of breathing or blood circulation.
7 This crime is called a lesser included offense
8 of strangulation in the second degree. I will
9 charge you with criminal obstruction of breathing or
10 blood circulation, which is a lesser included
11 offense of strangulation in the second degree.
12 As a result, the law requires that you, the jury,
13 consider strangulation in the second degree and
14 the lesser included offense of criminal obstruction
15 of breathing or blood circulation in this matter.
16 You can find the defendant not guilty of both of
17 those charges or guilty of one of the two charges.
18 So, what you do is you first consider the charged
19 crime in the indictment of strangulation in the
20 second degree and will render a verdict of guilty
21 or not guilty, and it is made clear on the verdict
22 sheet that you will get. If your verdict is guilty
23 on strangulation in the second degree you do not
24 consider the lesser included offense of criminal
25 obstruction of breathing or blood circulation.

PEOPLE -VS- BROWNLEE

406

1 However, if your verdict on the charged count,
2 which is strangulation in the second degree, if
3 your verdict is not guilty on that count you then
4 will consider whether the defendant is guilty
5 beyond a reasonable doubt of the lesser included
6 offense of criminal obstruction of breathing or
7 blood circulation.

8 So, let me read the elements of that offense
9 and you will see the difference. The lesser
10 included offense is criminal obstruction of
11 breathing or blood circulation. Under our law a
12 person is guilty of criminal obstruction of
13 breathing or blood circulation when with the intent
14 to impede the normal breathing or circulation of
15 the blood of another person he applies pressure on
16 the throat or neck of such person. The term intent
17 used in this definition has its own special
18 meaning which is really the meaning that it has on
19 the charged counts. Intent means conscious
20 objective or purpose. Thus, a person acts with
21 intent to impede the normal breathing or circulation
22 of the blood of another person when his or her
23 conscious objective or purpose is to do so.

24 In order for you to find the defendant guilty
25 of this crime the People are required to prove

PEOPLE -VS- BROWNLEE

407

1 from all the evidence in the case beyond a
2 reasonable doubt both of the following two elements.
3 There is only two elements in this lesser included
4 offense. Number one, that on or about November 12,
5 2013 in Monroe County the defendant, Benjamin
6 Brownlee, applied pressure on the throat or neck
7 of Brandon Short. Number two, that the defendant
8 did so with the intent to impede the normal
9 breathing or circulation of the blood of such
10 person. If you, therefore, find the People have
11 proven beyond a reasonable doubt each of those
12 two elements, you must find the defendant guilty of
13 the crime of criminal obstruction of breathing or
14 blood circulation as charged in the lesser
15 included count and, of course, which you only
16 consider if you found the defendant not guilty
17 with regard to strangulation in the second degree.
18 So, you only move to that lesser included offense
19 if your verdict on strangulation in the second
20 degree is not guilty. If you find the defendant
21 guilty of strangulation in the second degree, you
22 stop there.

23 On the other hand, if you find the
24 People have not proven beyond a reasonable doubt
25 either one of both of those elements of criminal

PEOPLE -VS- BROWNLEE

408

1 obstruction of breathing or blood circulation, you
2 must find the defendant not guilty of that
3 crime as charged in the lesser included count.

4 Now your verdict on each count that you
5 consider, whether guilty or not guilty, must be
6 unanimous. That is, each and every juror must
7 agree to the verdict, and that applies to the
8 first count of the indictment, which is assault
9 in the second degree, the second count of the
10 indictment, which is strangulation in the second
11 degree, and the lesser included offense of
12 criminal obstruction of breathing or blood
13 circulation. So, if you do get to that count,
14 your verdict must be unanimous. In other words,
15 each and every juror must agree to it. To reach
16 a unanimous verdict you must deliberate with the
17 other jurors. That means you should discuss the
18 evidence and consult with each other. You must
19 listen to each other and you must give each
20 other's views careful consideration and you must
21 reason together when considering the evidence.
22 And when you deliberate you should do so with a
23 view toward reaching an agreement, if that can
24 be done without surrendering individual
25 judgment. Each of you must decide the case for

PEOPLE -VS- BROWNLEE

425

1 ***** JUNE 3, 2015 *****

2 (JURY CONTINUES DELIBERATIONS)

3 (WHEREUPON COURT RECONVENED AT APPROXIMATELY 10:55 AM)

4 THE COURT: I note the presence of the
5 defendant. This is the matter of the People versus
6 Benjamin Brownlee. Counsel is present. Ms. Hyatt
7 is here only behalf of the People. I do have a
8 note that was signed at 9:27 this morning. It
9 reads as follows. We the jury request definition
10 of assault second degree. So, they want a reading
11 of that again. So, I can do that at this time.
12 Any additions or changes you want me to make to
13 that reading?

14 MR. VITALE: No, Your Honor.

15 MS. HYATT: No, Your Honor.

16 THE COURT: Bring the jury out. What
17 do you want to do with the alternates? Do you
18 want to keep them until lunch?

19 MR. VITALE: At this point in time they
20 have been back there long enough time. I wouldn't
21 allow an alternate to go in.

22 THE COURT: I will release the alternates
23 at this time. Any objection, Ms. Hyatt?

24 MS. HYATT: I believe defense counsel
25 has an appropriate request there. I will defer

PEOPLE -VS- BROWNLEE

430

1 reached a verdict. I will bring the jury out and
2 have my clerk take the verdict.

3 (WHEREUPON THE JURY ENTERED THE COURTROOM AT APPROXIMATELY
4 11:20 AM)

5 THE COURT: You may be seated. I note
6 the jury is present and accounted for. Members
7 of the jury, I do have your note at 11:05. Again
8 thank you for your patience. It says we the jury
9 request: we made a decision. I assume that
10 means you reached a verdict in the case. So, I will
11 now ask the clerk of the court to take the verdict.

12 COURT CLERK: Yes, Your Honor. Would the
13 foreperson please rise. In the matter of the
14 People of the State of New York versus Benjamin
15 Brownlee, in count one of the indictment, assault
16 in the second degree, how do you find the
17 defendant; not guilty or guilty?

18 THE FOREPERSON: Not guilty.

19 COURT CLERK: In the second count of the
20 indictment, strangulation in the second degree,
21 how do you find the defendant; not guilty or
22 guilty?

23 THE FOREPERSON: Not guilty.

24 COURT CLERK: The lesser included matter
25 for the second count, criminal obstruction of

PEOPLE -VS- BROWNLEE

431

1 breathing or blood circulation, how do you find
2 the defendant; not guilty or guilty?

3 THE FOREPERSON: Guilty.

4 COURT CLERK: Thank you. You may be
5 seated. Ladies and gentlemen of the jury, is this
6 indeed your verdict, so say you all?

7 (ALL TWELVE JURORS RESPONDED AFFIRMATIVELY)

8 THE COURT: The parties request
9 individual polling? Ms. Hyatt?

10 MS. HYATT: No, judge.

11 THE COURT: Mr. Vitale?

12 MR. VITALE: No, Your Honor.

13 THE COURT: Members of the jury, that does
14 complete your service as jurors. Thank you very
15 much. If you go back into the jury room I do
16 have certificates of appreciation to give to you.
17 If you could hold on a second. At this time
18 you can talk about the case to anyone that
19 requests or you don't have to talk about the case
20 at all. It is my practice to come in and chat with
21 you in a little bit, but that's entirely up to
22 you. If you can just wait in the jury room and I
23 will bring back the certificates to give to
24 you. Thank you very much.

25 (WHEREUPON THE JURY EXITED THE COURTROOM)

PEOPLE -VS- BROWNLEE

432

1 THE COURT: For the record, the trial
2 order of dismissal made previously at the close
3 of the People's case is denied. Anything you want
4 to put on the record, Mr. Vitale?

5 MR. VITALE: Your Honor, a couple things.
6 Number one, given this is a misdemeanor conviction,
7 Mr. Brownlee has more than the maximum amount of
8 time that he could serve in on the sentence. He
9 was arraigned on this matter in June of 2014,
10 which is past the eight month period. Either
11 I request he be sentenced to a period of time
12 served, or if the court wants to request a
13 formal PSI I would request he be released on
14 this charge given he has been held past the
15 period.

16 THE COURT: Ms. Hyatt?

17 MS. HYATT: Nothing, Your Honor.

18 THE COURT: You would agree he has been
19 held that long a period of time?

20 MS. HYATT: I don't have my file with me.

21 THE COURT: I do and he has.

22 MS. HYATT: Okay. Then I obviously can't
23 argue on that point.

24 THE COURT: I don't know that you need to
25 waive a PSI, Mr. Vitale. Do you need to waive

PEOPLE -VS- BROWNLEE

433

1 a PSI?

2 MR. VITALE: For time served typically
3 we don't, but we are willing to waive the PSI.

4 THE COURT: You move sentencing then,
5 Ms. Hyatt?

6 MS. HYATT: Yes, judge.

7 THE COURT: Do you have anything to
8 say?

9 MS. HYATT: No, Your Honor.

10 THE COURT: Mr. Vitale, do you have
11 anything to say on behalf of your client?

12 MR. VITALE: I would request he be
13 sentenced to a period of time served and any
14 surcharge and additional fees be reduced to
15 a judgment.

16 THE COURT: All right. Mr. Brownlee, do
17 you have anything to say on your own
18 behalf?

19 MR. BROWNLEE: Can I talk it over with my
20 attorney before I say it, please?

21 THE COURT: Before you what?

22 MR. BROWNLEE: Can I talk it over with my
23 attorney before I say it?

24 THE COURT: Sure.

25 (PAUSE IN THE PROCEEDING)

PEOPLE -VS- BROWNLEE

434

1 MR. BROWNLEE: Your Honor, I would like to
2 say thank you and I appreciate from the People and
3 my Public Defender for doing everything possible
4 and also for the Grand Jury for doing what was
5 right and what was the facts. Thank you.

6 THE COURT: Thank you. It is the sentence
7 and judgment of this court that I sentence you to
8 one year in the Monroe County Jail, time served to
9 apply.

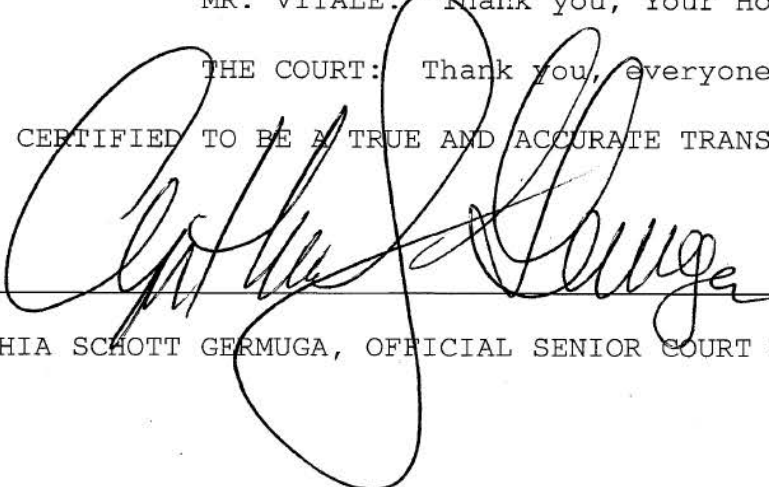
10 COURT CLERK: There is a surcharge.

11 THE COURT: Mr. Vitale, there is a two
12 hundred dollar mandatory surcharge. I will
13 direct that be reduced to judgment.

14 MR. VITALE: Thank you, Your Honor.

15 THE COURT: Thank you, everyone.

16 ***** CERTIFIED TO BE A TRUE AND ACCURATE TRANSCRIPT *****

17
18 
19 CYNTHIA SCHOTT GERMUGA, OFFICIAL SENIOR COURT REPORTER
20
21
22
23
24
25

STATE OF NEW YORK - COUNTY OF MONROE

SUPREME / COUNTY COURT

*Sentenced*THE PEOPLE OF THE STATE OF NEW YORK
-VS-

BROWNLIE, BENJAMIN

Defendant.

☒ CASH BAIL☒ SECURING ORDER / CUSTODY☐ RELEASE ORDER *DEFENSE ATTORNEY TO COMPLETE IN FULL*Indictment/SCI # 2014-0476 Filed 05-21-2014Pre-Indictment D.O.B. [REDACTED]

Complete this section or attach Disposition Memo

CR #'s	CHARGES
13-380033	PL-120-05-03 -DF- 2-ASLT- 2:INT CAUS PH - 1 CT(S)
	PL-121-12 -DF- STRANGULATION 2ND - 1 CT(S)
<i>Guilty</i>	<i>Crime Obstruction of Breathing</i>
	<i>PL-121-11-A or Blood Circulation</i>

An (Indictment)(SCI) (Pre-Indictment charges) having been filed with the (Supreme)(County)(City/Town of as above) Court charging the above-named Defendant with the offense(s) of as aboveand said Defendant having been arraigned therein, it is hereby
ORDERED that said Defendant be and hereby is held by the Court for further proceedings hereunder and,

☐ That the application for admission to bail is hereby granted and that the amount of said bail is fixed at \$ _____ cash, or \$ _____ Bond. Now upon posting of such bail and full compliance thereof with the Securing Order, the Defendant is thereupon authorized to be at liberty and the Sheriff of the County of Monroe is thereupon directed to discharge the Defendant from custody.

☒ That said Defendant be and hereby is held by this Court for further proceedings hereunder and that said Defendant is committed to the Sheriff of the County of Monroe, to appear before this Court at such time as may be required unless sooner released on bail, recognizance, or other such Order of this Court.

☐ That said Defendant having been released on this date by Hon. Ciaccio, and said defendant now being in custody of the Sheriff of Monroe County, it is ordered that the Sheriff release from his custody the said defendant.

☐ ROR ☐ Pre-Trial Release ☐ Acquittal ☐ Dismissal ☐ Time Served ☐ Other _____
☐ Bail in the amount of \$ _____, previously posted in the _____ Court is reinstated and continued.

Attorney's Name _____ Phone # _____

Dated at Rochester, NY

6/3/15Hon. CiaccioSupreme Court Justice / County Court Judge Ciaccio☐ Next Court Date _____ @ _____ am / pm Reason _____☒ Sentence (optional) 1 yr MCT, Time Served to Apply☐ Youthful Offender 05:11 PM 5/15/2015

Cash Bail Posted on _____ (date) with the Monroe County Sheriff's Department _____

by: _____ (name) _____ (address)

Monroe County Sheriff's Office
Jail Records Unit

Jail Bureau

To: Benjamin Brownlee ID#: 377572 Location: 3

Re: Sentence Term Calculation

On 6/3/2015 you were sentenced to 365 days

You may EARN the following good time credit if your behavior is in compliance with facility rules & regulations outlined in the inmate handbook. 121 days good time

Jail time is applicable credit for time incarcerated on any charge(s) satisfied by your plea or conviction. You were credited with the following jail time on this sentence.

From	<u>6/18/14</u>	To	<u>6/3/15</u>	days	<u>14 Days Good time</u>
From		To		days	<u>Lost per infraction</u>
From		To		days	<u>15 - 3617</u>
From		To		days	<u>Commit from</u>
From		To		days	<u>6/2014 Sent</u>
From		To		days	<u>by court 6/12/15</u>
From		To		days	<u>TIMES</u>
From		To		days	
From		To		days	
From		To		days	
From		To		days	
From		To		days	
From		To		days	

Total # of days jail time credit: 0 days.

If you served any time in another facility or lockup that resulted in the current sentenced, please submit a Jail Time Discrepancy Form through your housing supervisor for review & investigation.
 Calculation

365 days - term of sentence

minus (-) 121 days - maximum number of good time pursuant to NYSCOC 7007

minus (-) 0 days - total jail time credit for time served

leaves you (=) 244 days remaining to serve from 6/3/2015

*** Verify values on JMS Sentence Calculation Screen

THIS MAKES YOUR OUTDATE:

2/15/16

Print 2 copies to housing officer - copy to inmate
 Signed acknowledgement back to Records for file

Date June 3, 2015 Staff Tompkins 3366

I certify that I have received a copy of this form and that the information contained in it has been explained to me.

Inmate's Signature: [Signature]

Date: 6/6/15

Copy of Sentence Term Calculation Release Date Confirmation (JB-414-10).xls

JB-414-10

MONROE COUNTY SHERIFF'S OFFICE

JAIL BUREAU

To: Jail Records Unit

FROM: Hearing Officer

DATE: 6/10/2015


SUBJECT: Loss of Good Time Per Infraction # 15-3617

Regarding inmate: BENJAMIN BROWNLEE ID#: 377572

The above named inmate has lost good time as a result of an order of
Disciplinary
Sanction.

Please deduct 14 days good time.

Approved By:

 6/10/15

Memo for Inmate Record:

Previously credited good time: 121

Good time lost: 14

New Good Time balance: 107

NEW OUTDATE 2 / 15 / 16

Outdate Computed by: Cpl. Schreiner 3211

JMS Sentence Calculation Updated: 6 / 11 / 15

☐ Faxed to Jail Records

PRINTED: 06/10/15

1 LAST NAME Brownlee		3 FIRST NAME Benjamin		5 MIDDLE NAME		7 SUFFIX		2 ORIGINAL CR# 13350073		DATE CHK BY	
3 ALIASES AND/OR MAIDEN NAME				4 NICKNAME				6 ARREST CR#			
7 HOUSE NO. St Center St		STREET		CITY OR TOWN Newburg NY		STATE		ZIP		8 PLACE OF BIRTH STATE/COUNTRY	
9 CRIME DATE & ADDRESS OF C/T/V				10 CRIME JURIS/SEC		11 ARREST DATE/TIME ADDRESS C/T/V 10/13/21		JURIS/SEC			
12 ARREST TYPE <input type="checkbox"/> BENCH WARRANT <input type="checkbox"/> OTHER WARRANT <input type="checkbox"/> TURNOVER		<input type="checkbox"/> ON VIEW/OBSERV <input type="checkbox"/> REPORT/INVEST <input type="checkbox"/> JUV OFFENDER		13 APP. TICKET#		14 ARRESTED BY MO		OFFICER(S) SPURT		15 DEGREE	
15 LAW		16 SECTION NO & SUBS 21.11-A		17 CLASS		CAT		18 NAME OF OFFENSE & LTS# Crim Obs Breathing		19 DEGREE	
20. NUMBER OF VICTIMS		AGE SEX		AGE SEX		AGE SEX		AGE SEX		AGE SEX	
HANDICAPPED		21 NO OF OFFENDERS		22 <input type="checkbox"/> BUSINESS <input type="checkbox"/> DWELLING		23 BAC					
24 WEAPON (on arrest / resisting)		5. Rifle - single shot, pump, bolt action		11 Knife/cutting instrument		17 Fire/ incendiary device		25 DRUG ARREST TYPE		26 FORGED INSTRUMENT USED	
1 Firearm, unspecified type		6. Semiautomatic rifle		12. Blunt object		18 Drugs/narcotics/sleeping pills		1 HEROIN		1 LICENSE 5 PRESCRIPTION	
2 Revolver - single shot		7 Fully automatic rifle, machine gun		13. Motor vehicle		19 Other weapon		2 COCAINE		2 PERSONAL CK 6	
3 Semiautomatic handgun		8. Shotgun		14. Personal weapons		77 None/Non applicable		3 MARIJUANA		3 BANK DRAFT	
4 Fully automatic handgun, submachine gun		9. Imitation firearm		15. Poison		88 Not reported		4 OTHER		4 CREDIT CARD	
		10. Simulated firearm		16. Explosives		89 Unknown					
27 CRIME CONTEXT (2 MAX.)		3 DRUGS		6 GAMBLING		9 PROPERTY CRIME		12 SEX OFFENSE		15 OTHER	
1 ARSON		4 DWI & TRAFFIC		7 MURDER		10. PROSTITUTION		13 STOLEN VEHICLE		28 CRIME ORGANIZATION	
2 DOMESTIC OFFENSE		5 FORGERY & FRAUD		8. PHYSICAL CRIME		11 PUBLIC ORDER		14 WEAPONS			
29. COMPLAINANT'S NAME (PRINT)				SIGNATURE (I HAVE ARRESTED THE ABOVE PERSON & TURNED THE INDIVIDUAL OVER TO THE POLICE AGREE TO APPEAR IN COURT AS DIRECTED) X							
30 ARRESTING OFFICER'S REMARKS (INCLUDE MEDICAL NOTES, INJURIES, DEFENDANT'S DAMAGE TO PUBLIC PROPERTY, PISTOL PERMIT) 365 Days committed from 10/18/21											
31 SEARCHED BY		OFFICER(S)		32 IS THIS A FINGERPRINTABLE ARREST? (SEE BACK FOR DEFINITION) <input type="checkbox"/> YES <input type="checkbox"/> NO		33 HAVE YOU PREVIOUSLY IDENTIFIED ARRESTEE? <input type="checkbox"/> YES <input type="checkbox"/> NO					
AGENCY		REASON		351 days OTS							
35		36 AGE		37 SEX		38 RACE		39 ETHNICITY		40 Residence Status	
		1 MALE		1 WHITE		3 AMERICAN INDIAN/ALASKAN NATIVE		1 HISPANIC		<input type="checkbox"/> Resident <input type="checkbox"/> Tourist <input type="checkbox"/> Student <input type="checkbox"/> Other	
		2 FEMALE		2 BLACK		4 ASIAN/ORIENTAL/PACIFIC ISLANDER		2 NON-HISPANIC		<input type="checkbox"/> Committed <input type="checkbox"/> Military <input type="checkbox"/> Homeless <input type="checkbox"/> Unk	
41 PROBATION		42 HAIR COLOR		43 HAIR LENGTH		44 HAIR LENGTH		45 FACIAL HAIR		46 COMPLEXION	
2 PAROLE		1 BLACK 3 BROWN		5 RED 7 WHITE		1 SHORT (ABOVE EAR) 3 LONG (SHOULDER AND BELOW)		1 NO FACIAL HAIR 1 BEARD		1 LIGHT 3 DARK	
47 HEIGHT		48 WEIGHT		49 BUILD		50 BODY ODITIES (LOCATION)		2 MUSTACHE		2 MEDIUM 1 OTHER	
51 HEAD ODITIES (LOCATION)		52 TATTOO LOCATIONS		53 ADDL DESCRIPTORS		54 ADDL DESCRIPTORS		3 SPEECH ACCENT		5 OTHER	
1 SCALP 3 EARS		5 LEGS FEET 7 TEETH, MOUTH LIPS		1 GLASSES		2 SPEECH IMPEDIMENT 4 LEFT HANDED		5 OTHER			
2 FOREHEAD 4 EYES, EYEBROWS		6 CHEEKS 8 CHIN		9 DESCRIBE							
54 DER. PH. #		55 EDUCATION		56 OCCUPATION		57 EMPLOYER		ADDRESS		PH#	
58 MOTHER'S NAME		ADDRESS		PHONE#		59 FATHER'S NAME		ADDRESS		PHONE#	
62 SPOUSE/GIRLFRIEND/BOYFRIEND		ADDRESS		PHONE#		61 SEARCHED BY JAIL		62 AMOUNT OF MONEY			
63 BOOKING OFFICER'S REMARKS (INCLUDE MEDICAL NOTES INJURIES ETC.) Reexp											
64 RELEASED TO CUSTODY OF		DATE		TIME		65 RELEASED ON BAIL		AMOUNT		66 RELEASED BY	
Times		10/13/21		10:00		<input type="checkbox"/> YES <input type="checkbox"/> NO				Styler	
67 DEPUTY'S SIGNATURE & ID#											

To be argued by:
BENJAMIN L. NELSON
Estimated time: 5 minutes

Docket No. KA 15-01257

Supreme Court of the State of New York
Appellate Division, Fourth Department

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff-Respondent,

-VS-

BENJAMIN BROWNLEE,

Defendant-Appellant.

BRIEF FOR DEFENDANT-APPELLANT

Monroe County Indictment No. 2014-0476

TIMOTHY P. DONAHER
Monroe County Public Defender
Attorney for Defendant-Appellant
BY: BENJAMIN L. NELSON
Assistant Public Defender
10 N. Fitzhugh Street
Rochester, New York 14614
(585) 753-4069
benjaminnelson@monroecounty.gov

JUL 19 2019

SUPREME COURT OF THE STATE OF NEW YORK
Appellate Division, Fourth Judicial Department

1239

KA 15-01257

PRESENT: WHALEN, P.J., SMITH, CURRAN, WINSLOW, AND BANNISTER, JJ.

THE PEOPLE OF THE STATE OF NEW YORK, RESPONDENT,

V

MEMORANDUM AND ORDER

BENJAMIN BROWNLEE, DEFENDANT-APPELLANT.

TIMOTHY P. DONAHER, PUBLIC DEFENDER, ROCHESTER (BENJAMIN L. NELSON OF COUNSEL), FOR DEFENDANT-APPELLANT.

SANDRA DOORLEY, DISTRICT ATTORNEY, ROCHESTER (LISA GRAY OF COUNSEL), FOR RESPONDENT.

Appeal from a judgment of the Monroe County Court (Christopher S. Ciaccio, J.), rendered June 3, 2015. The judgment convicted defendant upon a jury verdict of criminal obstruction of breathing or blood circulation.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed.

Memorandum: Defendant appeals from a judgment convicting him after a jury trial of criminal obstruction of breathing or blood circulation (Penal Law § 121.11 [a]). We affirm.

We reject defendant's contention that the prosecution committed a *Brady* violation by belatedly disclosing certain medical records that purportedly established the victim's lack of injuries following the alleged altercation with defendant. "To establish a *Brady* violation warranting a new trial, the defendant must show that (1) the evidence is favorable to the defendant because it is either exculpatory or impeaching in nature; (2) the evidence was suppressed by the prosecution; and (3) prejudice arose because the suppressed evidence was material" (*People v Ulett*, 33 NY3d 512, 515 [2019] [internal quotation marks omitted]; see *Brady v Maryland*, 373 US 83, 87 [1963]).

Here, the medical records documenting the victim's lack of injuries were favorable to defendant inasmuch as they "tend[ed] to show that [he was] not guilty" (*People v Garrett*, 23 NY3d 878, 886 [2014], *rearg denied* 25 NY3d 1215 [2015] [internal quotation marks omitted]). However, the People's failure to disclose the medical records until six days before trial did not constitute the suppression of those records because defendant was "afforded a meaningful opportunity to use [the records] to cross-examine the People's witnesses or as evidence-in-chief" (*People v Burroughs*, 64 AD3d 894,

898 [3d Dept 2009], *lv denied* 13 NY3d 794 [2009]; *see People v Cortijo*, 70 NY2d 868, 870 [1987]; *cf. People v Carver*, 114 AD3d 1199, 1199 [4th Dept 2014]).

Moreover, even assuming, *arguendo*, that the prosecution's delay in disclosure did constitute suppression, we conclude that the records were not material because there was no " 'reasonable possibility' that the failure to disclose the medical records contributed to the verdict" (*People v Vilardi*, 76 NY2d 67, 77 [1990]; *see generally People v Rong He*, 34 NY3d 956, 959 [2019]; *People v McCray*, 23 NY3d 193, 198-199 [2014], *rearg denied* 24 NY3d 947 [2014]; *People v Fuentes*, 12 NY3d 259, 264-265 [2009], *rearg denied* 13 NY3d 766 [2009]). Finally, we further conclude that any alleged *Brady* violation here is harmless. The People presented overwhelming evidence of defendant's guilt—namely, the consistent testimony of three eyewitnesses who described defendant's attack on the victim—and there is no reasonable possibility that any error contributed to the verdict (*see People v Robinson*, 267 AD2d 981, 981 [4th Dept 1999], *lv denied* 95 NY2d 838 [2000]).

Entered: March 13, 2020

Mark W. Bennett
Clerk of the Court

State of New York Court of Appeals

BEFORE: HONORABLE PAUL G. FEINMAN

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Respondent,

BENJAMIN BROWNLEE,

Appellant.

**ORDER
DENYING
LEAVE**

Appellant having applied for leave to appeal to this Court pursuant to Criminal Procedure Law § 460.20 from an order in the above-captioned case;*

UPON the papers filed and due deliberation, it is

ORDERED that the application is denied.

Dated: July 14, 2020



Associate Judge

*Description of Order: Order of the Appellate Division, Fourth Judicial Department, entered March 13, 2020, affirming a judgment of County Court, Monroe County, rendered June 3, 2015.

COPY SERVED WITH N/E 7/21/2020

EG

This case involves BENJAMIN BROWNLEE, Case Number 14-076

06-30-2014 1:59PM ROW/ARRAIGNMENT

ADA: DEF ATTY:
REPT1: REPT2:

07-07-2014 1:59PM ROW/ARRAIGNMENT DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: PUBLIC DEFENDER
REPT1: GABRIELLE SCIOTTI REPT2:

09-08-2014 2:00PM MOTIONS DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: PUBLIC DEFENDER
REPT1: GABRIELLE SCIOTTI REPT2:

11-03-2014 2:00PM MOTIONS DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: PUBLIC DEFENDER
REPT1: GABRIELLE SCIOTTI REPT2:

01-13-2015 10:00AM HEARING DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: JOHN NABINGER
REPT1: GABRIELLE SCIOTTI REPT2:

09-29-2015 9:59AM PLEA OR MOTIONS DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: JOHN NABINGER
REPT1: GABRIELLE SCIOTTI REPT2:

12-21-2015 2:05PM APPEARANCE DENNIS F BENDER

ADA: MARK SINKIEWICZ DEF ATTY: JOHN NABINGER
REPT1: GABRIELLE SCIOTTI REPT2:

This person was born on [REDACTED]

STATE OF NEW YORK
COUNTY COURT: SENECA COUNTY

2014 JUN 10 PM 4:06

SENECA COUNTY
CLERK'S OFFICE

The People of the State of New York

Against

Indictment No. 14- 076

Benjamin Brownlee,

Defendant.

FIRST COUNT:

48562

The Grand Jury of the County of Seneca by this Indictment accuses

BENJAMIN BROWNLEE

of the crime of **AGGRAVATED HARASSMENT OF AN EMPLOYEE BY AN INMATE**, a class E felony, pursuant to Section 240.32 of the Penal Law of the State of New York and that such crime was committed as follows:

That on or about March 27, 2014, while at the Five Points Correctional Facility, Town of Romulus, Seneca County, New York, the defendant, an inmate of said correctional facility, with intent to harass, annoy, threaten or alarm a person whom he knows or reasonably should know is an employee of such facility, caused or attempted to cause such employee to come into contact with blood, seminal fluid, urine or feces, by throwing, tossing, or expelling such fluid or material, to wit: the defendant threw urine at Correctional Officer Mark Thurston, an employee of Five Points Correctional Facility.

THE PEOPLE ANNOUNCE THEIR READINESS FOR TRIAL

Mervin L. Zura
Foreperson

[Signature]
Assistant District Attorney

RECEIVED
2014 JUN 10 PM 3:58
SENECA COUNTY
SUPREME & COUNTY COURTS

AMENDED
STATE OF NEW YORK - COUNTY OF SENECA
SECURING ORDER COMMITMENT

The People of the State of New York
-vs-
BENJAMIN BROWNLEE

IND# 14-076

Filed 06-10-2014

Pre-Indictment _____

DOB [REDACTED]

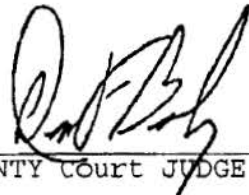
A(n) Indictment having been filed with the Court charging the above-named Defendant with the offense(s) of

AGG HARASS EMPLOYEE BY IN-1ct(s)

and said Defendant having been arraigned therein and the future attendance of Defendant before this Court being required thereunder; now it is therefore

ORDERED, that said Defendant be and hereby is held by this Court for further proceedings hereunder and that said Defendant is committed to the County Sheriff, to appear before this Court at such time as may be required unless sooner released on bail, recognizance, or other such Order of this Court.

Dated the 28 day of July 2014
VILLAGE OF WATERLOO, New York



COUNTY COURT JUDGE

Next Court Date _____ Reason _____

Sentence _____

Youthful Offender _____

UNIFORM SENTENCE & COMMITMENT

UCS 854 (2/2008)

STATE OF NEW YORK
COUNTY COURT: COUNTY OF SENECA
PRESENT: DENNIS F BENDER, JUDGE

Court Reporter: GABRIELLE SCIOTTI

Superior Ct. Case #: 14-076

Accusatory Instrument Charge(s) Law/Section Subdivision:
1 AGG HARASS EMPLOYEE BY IN PL-240.32 *Reduced to*

2 *Attempt Agg Harassment Employee PL-110-240.32*

3. _____

4. _____

The People of the State of New York

-v-

BENJAMIN BROWNLIE

M [REDACTED] 09059294J 66697928N
SEX: DOB: NYSID CJ TRACKING #

Date of offense: 03-27-2014 to _____

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED [☒ PLEA OR ☐ VERDICT], THE MOST SERIOUS OFFENSE BEING A ☒ FELONY OR ☐ MISDEMEANOR OR ☐ VIOLATION, IS HEREBY SENTENCED TO:

Name of offense	Count	Law/Section	SMF, Hate	Minimum	Maximum	<input type="checkbox"/> Definite (D M Y) Post-Rel
	Number & Subdivision		or Terror	Period	Term	<input type="checkbox"/> Determinate (Y) Superv.

ATT AGG HARASS EMPLOYEE1 PL-110-240.32 _____ Y _____ Y 6M _____ Y

☐ Counts _____ shall run CONCURRENTLY with each other

☐ Count(s) _____ shall run CONSECUTIVELY to count(s) _____

☐ Sentence imposed herein shall run CONCURRENTLY with _____ and/or CONSECUTIVELY to _____

☐ Conviction includes: WEAPON TYPE _____ and/or DRUG TYPE _____

☐ Charged as a JUVENILE OFFENDER

☐ Court certified the defendant a SEX OFFENDER

- Age at time crime committed: _____

(Cor. Law § 168-d)

☐ Adjudicated a YOUTHFUL OFFENDER (CPL § 720.20)

☐ Re-sentenced as a PROBATION VIOLATOR (CPL § 410.70)

☐ Execute as a sentence of PAROLE SUPERVISION (CPL § 410.91)

☐ CASAT ordered (PL § 60.04(6))

As a ☐ second ☐ second violent ☐ second drug ☐ second drug/prior VFO ☐ predicate sex offender
☐ predicate sex offender/prior VFO ☐ second child sexual assault ☐ persistent ☐ persistent violent FELONY OFFENDER

Paid Not Paid

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mandatory Surcharge	\$175.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fine	\$0.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DNA Fee	\$50.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DWI/Other	\$0.00

Paid Not Paid

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Crime Victims Assistance Fee	\$25.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Restitution	\$0.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sex Offender Registration Fee	\$0.00
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Supplemental Sex Off. Victim Fee	\$0.00

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

☐ NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of the NYSDOCS (the County Sheriff) (New York City Department of Corrections is directed to deliver him to the custody of the NYSDOCS as provided in 7 NYCRR Part 103.

☐ NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of the NYSDOCS, said defendant shall remain in the custody of NYSDOCS.

☐ NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.

☒ Seneca County Jail / Correctional Facility.

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: _____

Pre-Sentence Investigation Report Attached: ☐ YES ☒ NO ☐ SHOCK INCARCERATION recommended

Order of Protection Issued ☐ YES ☒ NO ☐ Amended Commitment:

Order of Protection Attached: ☐ YES ☒ NO Original Sentence Date: 09-29-2015

09-29-2015 SUSAN M. MALESKI
Date Clerk of the Court

by: *Dugan C. Leasing*
Signature

~~CL~~ COURT OFFICE ASSISTANT
Title

Commitment, Order of
Protection
Pre-Sentence Report
Correctional Authority
as indicated:

Official Name

Shield No.

STATE OF NEW YORK - COUNTY OF SENECA
COUNTY COURT - CERTIFICATE OF CONVICTION

BENJAMIN BROWNLEE

INDEX # 48562

FILED 06-10-2014
CRIME DATE 03-27-2014

IND # 14-076

DOB [REDACTED]

NYSID # 09059294J

JUDGE: DENNIS F BENDER

Court Reporter: GABRIELLE SCIOTTI

ORIGINAL OFFENSE # 1: AGG HARASS EMPLOYEE BY IN/1 ct(s) PL-240.32 -EF-
Reduced to: ATT AGG HARASS EMPLOYEE/1 ct(s) PL-110-240.32 -AM-
Disposition: PLED GUILTY 09-29-2015
Sentenced: 09-29-2015
Custody/Time: 6M CUSTODY

Surcharge Imposed: \$175.00
CVAF Imposed: \$25.00

DNA Fee: \$50.00

Court Clerk's Certification: I certify that this document reflects a true and accurate record of the above defendant, filed with the County Clerk's Office by the Court.

2015 OCT 19 AM 10:36
SENECA COUNTY
CLERK'S OFFICE

Guzanne C. Leisenring
GUZANNE C. LEISENRING
SR COURT OFFICE ASSISTANT

Seneca County Sheriff's Office

Romulus, New York 14541

Inmate Release Date Confirmation Form

CHN: 17193
Booking Number: 201400456
To: BROWNLEE, Benjamin J
From: Kierst, Lt
Completed On: September 01, 2021
Issued Date:

MAXIMUM SENTENCE SERVED Date of: 02/06/2015

You may EARN Good Behavior Allowance, if your behavior is in line with the Rules and Regulations of Seneca County Sheriff's Office.

You may earn 61 days Good Time Credit, resulting in a

MINIMUM SENTENCE SERVED Date of: 12/07/2014

If you have any days served at another Facility, or City Lock-up, that resulted in the current sentence, you shall refer to the Inmate Handbook to obtain this credit.

Charge: Aggravated Harassment-1st Degree
Docket Number:
Indictment Number:
Date of Arrival: 08/08/2014
Sentence Start Date: 09/29/2015
Sentence Length: 183
Time Served: 417
Good Time: 61
Days Suspended: 0
Weekend/Holidays: 0
Other: 0

Notes:

Prior time served - 417 days.

08/08/2014 - 09/28 = 417 days.

I certify that I have received a copy of this form and that the information contained in it has been explained to me.

Inmate's Signature: _____

BROWNLEE, Benjamin J

cc: Inmate's File



Superior Court of California County of Sacramento

720 Ninth Street
Sacramento CA 95814

This letter is confirmation that the annexed instrument (inclusive) is a correct copy of the original on file in the Sacramento Superior Court file.

Sacramento Superior Court in and for the County of Sacramento, State of California.

CASE NAME BENJAMIN BROWNLEE

CASE NUMBER 16FE004445

ATTEST CERTIFIED DATE 08-31-2021

BY *J. Watkins*  DEPUTY CLERK

TOTAL NUMBER OF PAGES 6

720 Ninth Street • Criminal/Civil Records • Sacramento, CA 95814
TELEPHONE (916) 874-5664

CR-282 (revised 01/01/06)

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
MINUTE ORDER**

DEFENDANT'S NAME	SECTION(S) VIOLATED	DOCKET NO.
BROWNLEE, BENJAMIN	1. 2. 3.	16FE04445
XREF: 5050704	4. 5. 6.	BOND #:
PROSECUTOR	DEFENSE ATTORNEY	JURY TRIAL DATE
DDA: S. AARASETH	APD: C. RYAN	

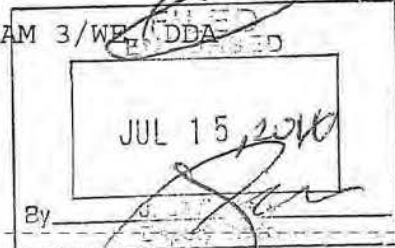
DATE	JUDGE	CSR#	DEPT.	PROCEEDINGS
7/1/16	R. THORBOURNE	0344	40	PROB HRG J&S
				All parties pres. - Δ pres. o/c.
				Probation Report ordered Filed F/W
				FAW; J&S as follows:
				Ct. 1 - PC 597(a) = 5 yrs. FP
				364 Days CJ
				92 actual Cts. } Total Cts. = 184
				+ 92 atwt Cts. } Days.
				Court has no objection to
				SWP/HD
				stay SWP/HD sign up to 8/12/16.
				Qualify / surrender 9/14/16
				11:00pm RCCC.
				Δ to abide by all terms/cond. of
				prob. report pgs. 11-10 as modified.
				Δ advised / provided w/ Firearms
				prohibition Notification packet.
				Δ to report to prob. Dept. @ E St.
				or Florin-Perkins by 7/14/16.
				CoA \$40; CFF \$30
				Δ remains released from custody.
				Bal. chgs. Dismiss. D.T.

(prob.)

DO NOT FILE ANY DOCUMENTS ON TOP OF THIS FORM

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CORRECTION 07/12/2016

DATE & TIME: 07/01/2016 1:30 PM
JUDGE : RAOUL THORBOURNE
REPORTER : K. CARDOZODEPT : 40
CLERK : J. LAYUGAN
BAILIFF:PEOPLE OF THE STATE OF CALIFORNIA
vs
BENJAMIN JUSTIN BROWNLEE, DEFENDANTCOUNSEL:
AARSETH S TEAM 3/WE
Ryan, C. PD

XREF: 5050704 DOB: [REDACTED] CASE NO. 16FE004445

MINUTE ORDER & ORDER OF PROBATION

Defendant and counsel above named were present. Defendant was convicted as follows:

05/31/2016 CT 1	PC 597(A) FEL Nolo contendere
	TWO STRIKES ALLEGATIONS
	W/1 PRIOR
	PC 667.5(B)
	PC 1192.7(C)
	PC 667(B)-(I)
	PC 1170(H)(3)

The court having read and considered the presentence probation report, ordered it filed.

It is ordered that imposition of judgment and sentence be suspended and the defendant placed on formal probation for a period of 5 years from the date of this order on the following general and specific terms and conditions:

The defendant shall serve 364 days in the Sacramento County Jail. The Court recommends Sheriff's Work Project. Defendant to qualify or surrender at the Rio Cosumnes Correctional Center. While in confinement, the defendant will comply with all rules and regulations of the County Jail and conduct himself in a proper manner.

BOOK: 40
PAGE:
DATE: 07/01/2016
CASE NO.: 16FE004445
CASE TITLE: BROWNLEE
DISTRIB:

PAGE 1

JICR0220/CR30 (12/1991)

Said term shall be served consecutive to all other terms.

Said term is stayed until 09/16/2016, 6:00 PM at which time defendant shall report to surrender at the Rio Cosumnes Correctional Center.

Defendant shall receive credit for time served of 184 days.

Defendant shall submit his person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or Probation officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his constitutional rights in this regard, and having accepted probation, is deemed to have waived same.

The defendant shall seek and obtain professional counseling through and under the direction of the Probation Officer.

Defendant not associate with persons he or she knows to be illegal users or sellers of marijuana, dangerous drugs or narcotics, nor be in places where he or she knows illegal narcotics and/or dangerous drugs are present.

Defendant not knowingly own or possess any dangerous or deadly weapon.

The defendant not knowingly own, purchase, receive or have in his possession or under his/her custody or control, any firearm, ammunition or reloading ammunition. Condition as mandated in 29800(a)(1) and 30305(a) PC. Defendant advised and provided with firearms prohibition packet.

Criminal impact fee (PC 1465.7) 20% surcharge on base fines

Defendant shall pay a \$300.00, restitution-fine pursuant to Penal Code Section 1202.4(b)

Pursuant to Penal Code Section 1202.44, the Court is imposing an additional restitution fine in the same amount just imposed under Penal Code Section 1202.4(b). Payment of this fine is stayed and shall become effective upon revocation of Probation.

Defendant shall pay all fines, fees, assessments and restitution through the court's installment process, which may include the Department of Revenue Recovery.

Defendant pay a court security surcharge fee, per conviction, pursuant to

BOOK: 40
PAGE:
DATE: 07/01/2016
CASE NO.: 16FE004445
CASE TITLE: BROWNLIE
DISTRIB:

PAGE 2

JICR0220/CR30 (12/1991)

Penal Code Section 1465.8(a)(1) in the amount of \$40.00 (\$40.00 X 1 conviction), payable through the Court's installment process. This is a court ordered fee not a condition of probation.

Defendant shall report to the Department of Revenue Recovery for a financial evaluation and recommendation of ability to pay costs for and in the amount of \$702.00 for the presentence report and \$46.00 per month for probation supervision, payable through the Court's installments process. This is a court ordered fee not a condition of probation.

Pay \$25.00 urinalysis testing fee through DRR.

Defendant pay a mandatory Court facility fee in the amount of \$30.00 pursuant to section 70373 of the Government Code, payable through the Court's installment process.

Defendant shall submit his/her person, property and automobile and any object under defendant's control to search and seizure in or out of the presence of the defendant, by any law enforcement officer and/or probation officer, at any time of the day or night, with or without his consent, with or without a warrant. Defendant being advised of his/her constitutional rights in this regard, and having accepted probation, is deemed to have waived same.

Defendant shall report to the Probation Office within 48 hours of release.

Defendant have no contact whatsoever with animals, or to have any pets, without the prior approval of the probation officer.

Peaceful contact with Elisha Sullivan.

Defendant participate in an evidence based treatment intervention program addressing criminal thinking through and under the direction of the probation officer.

It is the further Order of the Court that you shall, during your term of probation, comply in all respects with the following General Conditions of probation as authorized by the provisions of the Probation Statutes of the State of California. Further, that you shall comply in all respects with any Special Conditions of Probation contained in your Order of Probation or which may subsequently be ordered by the Court or the Probation Officer.

1. Obey all laws applicable to you.

BOOK: 40
PAGE:
DATE: 07/01/2016
CASE NO.: 16FE004445
CASE TITLE: BROWNLEE
DISTRIB: PAGE 3

JICR0220/CR30 (12/1991)

2. Seek and/or maintain regular and steady employment or be enrolled in an educational or vocational program approved by the probation officer having your supervision; not voluntarily change employment without having gained approval for such change; and if your employment is terminated, either temporarily or permanently, for any cause whatsoever, you are to notify your probation officer within 48 hours.
3. You may not leave the State of California at any time without first securing permission from your probation officer and completing the appropriate procedures to do so. You are not to remain away from your regular residence for more than 48 hours without first having secured permission from your probation officer. You are to immediately notify your probation officer of any intended change of address and the reasons therefore.
4. You are to follow in all respects any reasonable instructions given to you by the Probation Officer having your supervision.
5. You are to report in person to the Division of Adult Probation at such times and dates as the Probation Officer having your supervision may direct. (If for any reason beyond your control you are unable to report on your assigned date and time, you shall communicate this fact to the Division of Adult Probation on or before the assigned date.)
6. You shall allow Probation Officers to visit your home and place of employment at reasonable times.
7. Inform Probation Officer of dogs and other pets with potential to cause harm in the residence. Notify of changes within 24 hours.

Failure by you to comply with any of the foregoing Specific and General Conditions of Probation could result in: (1) the grant of probation being revoked, resulting in confinement in the County Jail for additional periods or imposition of any sentence which the Court could have imposed on you before you were placed on probation; (2) the term of probation being extended up to the maximum provided by law; or (3) the conditions of probation being amended, resulting in a change or addition to the condition within the limits of the Probation Statutes.

Do not knowingly use, handle or possess controlled substances of any kind unless lawfully prescribed to you by a licensed medical practitioner.

BOOK: 40
PAGE:
DATE: 07/01/2016
CASE NO.: 16FE004445
CASE TITLE: BROWNLEE
DISTRIB: PAGE 4

JICR0220/CR30 (12/1991)

Defendant is released on probation.

Done in open Court 07/01/2016

The foregoing terms and Conditions of Probation have been explained to me and I fully understand them and agree in every particular to abide by them.

Date: _____ Probationer _____

Witnessed:

By: _____
Officer

Sec. 1203.4 Penal Code: PROBATIONER MAY WITHDRAW PLEA OF GUILTY.

At any time after the termination of the period of probation, upon completion of the requirements of Penal Code section 1203.4, you may petition the court to exercise its discretion to allow you to withdraw your plea of guilty or nolo contendere or to set aside a verdict of guilty and dismiss the accusations against you. If such relief is granted by the court, you may also petition the court for a certificate of rehabilitation and pardon upon completion of the requirements of Penal Code section 4852.01.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

NOTICE: Both California Penal Code Section 12021 and the Federal Gun Law of 1968 prohibit the use or possession of any firearm, including any handgun, rifle or shotgun, by any individual convicted of a felony.

BOOK: 40
PAGE:
DATE: 07/01/2016
CASE NO.: 16FE004445
CASE TITLE: BROWNLEE
DISTRIB: PAGE 5

JICR0220/CR30 (12/1991)

JICR0200 - END OF REPORT



Superior Court of California County of Sacramento

720 Ninth Street
Sacramento CA 95814

This letter is confirmation that the annexed instrument (inclusive) is a correct copy of the original on file in the Sacramento Superior Court file.

Sacramento Superior Court in and for the County of Sacramento, State of California.

CASE NAME BENJAMIN BROWNLEE

CASE NUMBER 16FE018278

ATTEST CERTIFIED DATE 08-31-2021

BY *J. Watkins*  DEPUTY CLERK

TOTAL NUMBER OF PAGES 4

720 Ninth Street • Criminal/Civil Records • Sacramento, CA 95814
TELEPHONE (916) 874-5664

CR-282 (revised 01/01/06)

[NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-292 ATTACHED]

CR-292

<input checked="" type="checkbox"/> SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO <input type="checkbox"/> MUNICIPAL BRANCH OR JUDICIAL DISTRICT		PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: BENJAMIN JUSTIN BROWNLEE XREF - 5050704 AKA: CIH#: A35836270 BOOKING #:		DOB: [REDACTED] POB: New York	16FE018278 -A -B -C -D	FILED/ENDORSED SEP - 1 2017 By E. Gonzalez, Deputy Clerk
COMMITMENT TO STATE PRISON ABSTRACT OF JUDGMENT		<input type="checkbox"/> NOT PRESENT <input type="checkbox"/> AMENDED ABSTRACT				
DATE OF HEARING 09/01/2017		DEPT. NO. 14		JUDGE DONALD J. CURRIER		
CLERK E. GONZALEZ		REPORTER V. CLAYTON, CSR #13112		PROBATION NO. OR PROBATION OFFICER A-504,760		
COUNSEL FOR PEOPLE ROBIN SHAKELY, D.D.A.				COUNSEL FOR DEFENDANT ALAN WHISENAND, C.A.C.		

1. Defendant was convicted of the commission of the following felonies:

☐ Additional counts are listed on attachment

_____ (number of pages attached)

CNT.	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YEAR)	CONVICTED BY			CONCURRENT	CONSECUTIVE	664 STAY
						JURY	COURT	PLEA			
1	PC	187(a), 1 st Deg.	Murder 1 st Deg. w/Special Circumstance #3 found true pursuant to Penal Code section 190.2(a)(17)(A)	2016	08/01/2017	X				X	

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

CNT.	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

3. ENHANCEMENTS charged and found to be true FOR PRIOR CONVICTION OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed for each or "S" for stayed. DO NOT LIST enhancements stricken under PC 1385.

ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	ENHANCEMENT	Y/S	TOTAL

Defendant was sentenced to State Prison for an INDETERMINATE TERM:

4. ☒ For LIFE WITHOUT THE POSSIBILITY OF PAROLE on Count One.5. ☐ For LIFE WITH POSSIBILITY OF PAROLE on counts6. ☐ For _____ years to life, WITH POSSIBILITY OF PAROLE on counts PLUS enhancement time shown above.7. ☒ Additional determinate term (see CR-290).8. Defendant was sentenced pursuant to ☐ PC 667(b)-(i) or PC 1170.12 ☐ PC 667.61 ☐ PC 667.7 ☐ PC 667.9
☐ other (specify):

This form is prescribed under PC 1213.5 to satisfy the requirements of PC 1213 for indeterminate sentences. Attachments may be used but must be referred to in this document.

(Continued on reverse)

00007

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: BENJAMIN JUSTIN BROWNLEE			
16FE018278	-A	-B	-C
			-D

9. FINANCIAL OBLIGATIONS (including any applicable penalty assessments):

- a. RESTITUTION FINE of: \$ 10,000.00 per PC 1202.4(b) forthwith per PC 2085.5.
b. RESTITUTION FINE of: \$ _____ per PC 1202.45 suspended unless parole is revoked.
c. RESTITUTION of: \$ TBD per PC 1202.4(f) to ☒ California Victim Compensation Board
(*List victim name(s) if known and amount breakdown in item 11, below.)
(1) ☒ Amount to be determined.
(2) ☐ Interest rate of: _____% (not to exceed 10% per PC 1204.4(f)(3)(F)).
d. ☐ LAB FEE of: \$ _____ for counts: _____ per H&SC 11372.5(a).
e. ☐ DRUG PROGRAM FEE of \$150 per H&SC 11372.7(a).
f. ☐ FINE of \$ _____ per PC 1202.5.

10. TESTING

- a. ☐ AIDS pursuant to ☐ PC 1202.1 ☐ other (specify):
b. ☒ DNA pursuant to PC 296.1(a)(1)(A) ☐ other (specify):
☐ DNA Collected
☐ DNA Sample Collection Verified

11. Other orders (specify):

Defendant to pay through Court's installment process:

\$80 (@\$40 per count) court operations assmnt. pursuant PC 1465.8(a)(1); \$60 (@\$30 per count) Court Facility Fee purs. GC 70373,
\$402.38 Main Jail Booking Fee & \$99.19 Main Jail Classification Fee purs. GC 29550.2(a).

Deft. advised and provided with Firearms Prohibition Packet in open court.

Deft. advised of Appeal Rights.

12. Execution of sentence imposed

- a. ☒ at initial sentencing hearing.
b. ☐ at resentencing per decision on appeal.
c. ☐ after revocation of probation.
d. ☐ at resentencing per recall of commitment. (PC 1170(d).)
e. ☐ other (specify):

13. CREDIT FOR TIME SERVED

CASE NUMBER	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
16FE018278 -A	258	258	-0- <input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-B			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-C			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1
-D			<input type="checkbox"/> 4019 <input type="checkbox"/> 2933.1

DATE SENTENCE PRONOUNCED: 09/01/2017	SERVED TIME IN STATE INSTITUTION: <input type="checkbox"/> DMH <input type="checkbox"/> CDC <input type="checkbox"/> CRC
--	---

14. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☐ the reception center designated by the director of the California Department of Corrections.
☒ other (specify): DVI

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE <u>E. GONZALEZ</u>	DATE 09/01/2017
--	---------------------------



FELONY ABSTRACT OF JUDGMENT – DETERMINATE
 [NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED]

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SACRAMENTO			FILED/ENDORSED	
PEOPLE OF THE STATE OF CALIFORNIA vs.		DOB: [REDACTED]	16FE018278	
DEFENDANT: BENJAMIN JUSTIN BROWNLEE XREF - 5050704		POB: New York		
AKA:				
CII NO:				
BOOKING NO.:		<input type="checkbox"/> NOT PRESENT		
FELONY ABSTRACT OF JUDGMENT		<input type="checkbox"/> AMENDED ABSTRACT		
<input checked="" type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT				
DATE OF HEARING 09/01/2017	DEPT. NO. 14	JUDGE DONALD J. CURRIER		
CLERK E. GONZALEZ	REPORTER V. CLAYTON, C.S.R. #13112	PROBATION NO. OR PROBATION OFFICER A-504,760		<input type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE ROBIN SHAKELY, D.D.A.		COUNSEL FOR DEFENDANT ALAN WHISENAND, C.A.C. <input checked="" type="checkbox"/> APPTD.		

1. Defendant was convicted of the commission of the following felonies:

- ☐ Additional counts are listed on attachment
 ____ (number of pages attached)

☐ Additional counts are listed on attachment _____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO/DATE/YEAR)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	1/2 CONSECUTIVE	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (Refer to item 5)	654 STAY	SERIOUS FELONY	VIOLENT FELONY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
						JURY	COURT	PLEA									YRS.	MOS.
4	PC	211, 2 nd Deg.	Robbery in the second degree	2016	08/01/2017	X			M			X		X	X		(3)	(0)

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	TOTAL

3. ENHANCEMENTS charged and found to be true for PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	ENHANCEMENT	TIME IMPOSED "S" or "PS"	TOTAL

4. ☐ Deft. sentenced per: ☐ to county jail per 1170(h)(1) or (2)
☐ To prison per 1170(a), 1170.1(a) or 1170(h)(3) due to ☐ current or prior serious or violent felony ☐ PC 290 or ☐ PC 186.11 enhancement
☐ per PC 667(b)-(i) or PC 1170.12 (strike prior)
☐ per PC 1170(a)(3). Pre confinement credits equal or exceed time imposed. ☐ Defendant ordered to report to local parole or probation office.

5. INCOMPLETED SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES:

7. ☒ Additional indeterminate term (see CR-292).

8. TOTAL TIME:

(3)

(0)

Attachments may be used but must be referred to in this document.

Page 1 of 2

PEOPLE OF THE STATE OF CALIFORNIA vs.
BENJAMIN JUSTIN BROWNLEE

16FE018278

-A

-B

-C

-D

9. FINANCIAL OBLIGATIONS (plus any applicable penalty assessments):

a. Restitution Fines:

Case A: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
 \$ _____ per PC 1202.44 is now due, probation having been revoked.

Case B: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
 \$ _____ per PC 1202.44 is now due, probation having been revoked.

Case C: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
 \$ _____ per PC 1202.44 is now due, probation having been revoked.

Case D: \$ _____ per PC 1202.4(b) forthwith per PC 2085.5; \$ _____ per PC 1202.45 suspended unless parole is revoked.
 \$ _____ per PC 1202.44 is now due, probation having been revoked.

Restitution:

Case A: \$ _____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
 Case B: \$ _____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
 Case C: \$ _____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund
 Case D: \$ _____ ☐ Amount to be determined to ☐ victim(s)* ☐ Restitution Fund

☐ * Victim name(s), if known, and amount breakdown in item 13, below. ☐ * Victim names(s) in probation officer's report.

b. Fines:

Case A: \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case B: \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case C: \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

Case D: \$ _____ per PC 1202.5. \$ _____ per VC 23550 or _____ days ☐ county jail ☐ prison in lieu of fine ☐ concurrent ☐ consecutive
☐ includes: ☐ Lab Fee per HS 11372.5(a) ☐ \$ _____ Drug Program Fee per HS 11372.7(a) for each qualifying offense.

d. Court Operations Assessment: \$40.00 per PC 1465.8. e. Conviction Assessment: \$30.00 per GC 70373. f. Other: \$ per (specify):

10. TESTING: ☐ Compliance with PC 296 verified ☐ AIDS per PC 1202.1 ☐ other (specify): Sac. Sheriff to collect purs to 296 PC

11. REGISTRATION REQUIREMENT: ☐ per (specify code section):

12. ☐ MANDATORY SUPERVISION: Execution of a portion of the defendant's sentence is suspended and deemed a period of mandatory supervision under Penal Code section 1170(h)(5)(B) as follows (specify total sentence, portion suspended, and amount to be served forthwith):

Total: _____ Suspended: _____ Served forthwith: _____

Other orders (specify):

All fines, fees, time credits, testing order, advisements and other orders are listed in the INDETERMINATE ABSTRACT, CR-292.

14. IMMEDIATE SENTENCING: ☐ Probation to prepare and submit a post-sentence report to CDCR per PC 1203c.

Defendant's race/national origin:

15. EXECUTION OF SENTENCE IMPOSED:

- a. ☒ at initial sentencing hearing.
 b. ☐ at resentencing per decision on appeal.
 c. ☐ after revocation of probation.
 d. ☐ at resentencing per recall of commitment. (PC1170(d).)
 e. ☐ other (specify):

16. CREDIT FOR TIME SERVED

CASE	TOTAL CREDITS	ACTUAL	LOCAL CONDUCT
A	See CR-292		<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input checked="" type="checkbox"/> 4019
B			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
C			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
D			<input type="checkbox"/> 2933 <input type="checkbox"/> 2933.1 <input type="checkbox"/> 4019
Date Sentence Pronounced:		Time Served in State Institution:	
09/01/2017		DMH	CDC CRC

15. The defendant is remanded to the custody of the sheriff ☒ forthwith ☐ after 48 hours excluding Saturdays, Sundays, and holidays.

To be delivered to ☐ the reception center designated by the director of the California Department of Corrections and Rehabilitation.

☐ county jail ☒ other (specify): DVI

CLERK OF THE COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

DEPUTY'S SIGNATURE

E. GONZALEZ

09/01/2017

CR-290 (Rev. July 1, 2012)

FELONY ABSTRACT OF JUDGMENT - DETERMINATE



Page 2 of 2

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